



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 1067**

May 1, 1996 - Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT to repeal** 20.435 (3) (cc), 46.03 (7) (b), 46.25 (7), 46.252, 46.40 (4m), 46.45
2 (1), 46.98 (1) (d), 46.98 (4g) (title), 46.98 (4g) (a), 46.98 (4g) (b), 46.98 (4g) (c) and
3 (d), 46.986 (3) (title), 767.02 (3), 767.085 (1) (g) and 767.085 (5); **to renumber**
4 20.435 (3) (g), 46.25 (2m), 46.25 (2p), 46.25 (3) and (4), 46.25 (6), 46.25 (7m),
5 46.25 (11), 46.255 (title), 46.255 (3), 46.255 (4m) (a), 46.255 (4m) (d), 46.258
6 (title), 46.258 (2) (a) 1., 46.979 (title), 46.979 (1), 46.979 (3), 46.98 (title) and (1)
7 (intro.), (ad), (ag) and (am), 46.98 (1) (at), 46.98 (1) (b), 46.98 (1) (bd) and (bf),
8 46.98 (1) (bm) and (c), 46.98 (1) (cm), 46.98 (2) (b), 46.98 (2m) (title), 46.98 (2m)
9 (a), 46.98 (2m) (c) and (d) 1., 46.98 (2m) (d) 2., 46.98 (2r) (title), (a), (b) and (d),
10 46.98 (3) (title), 46.98 (3) (a) and (b), 46.98 (3) (c), 46.98 (4) (title), (a) (intro.) and
11 1., 46.98 (4) (a) 2., 46.98 (4) (a) 3., 46.98 (4) (am), 46.98 (4) (b), 46.98 (4) (c), 46.98
12 (4) (d), 46.98 (4) (dg) and (dm), 46.98 (4) (e), 46.98 (5), 46.98 (6), 46.984 (title),
13 46.984 (1), 46.984 (2) (title), 46.984 (2) (c) and (d) and (3), 46.984 (4) (a), 46.984
14 (4) (intro.), (b) and (c), 46.986 (title), 46.986 (1) (intro.), 46.986 (1) (b), 46.986 (1)
15 (d), (e), (g), (j) and (k), 46.986 (1) (m), 46.986 (1) (n), 46.986 (2) (title), 46.986 (2)
16 (b) and (cm), 46.986 (6), 46.986 (7), 46.987 (title), 46.987 (1) (intro.), 46.987 (1)

1 (a), 46.987 (1) (c), 46.987 (2) (title), 46.987 (2) (b) and (c), 46.987 (3) (title), 46.987
2 (3) (b), 46.987 (4) (b), 46.987 (4) (d) to (h) and (5) and 46.987 (6); **to renumber**
3 **and amend** 20.435 (3) (cb), 20.435 (3) (ja), 20.435 (3) (jg), 46.25 (title), (1) and
4 (2), 46.25 (8) and (9) (a), 46.25 (9) (b), 46.255 (1), 46.255 (2) and (2m), 46.255 (4),
5 46.255 (4m) (b) and (c), 46.255 (5) and (6), 46.255 (7), 46.258 (1), 46.258 (2) (a)
6 (intro.), 46.258 (2) (a) 2. and 3. and (b), 46.979 (2) (intro.), 46.979 (2) (b) 1., 46.979
7 (2) (b) 2., 46.979 (2) (c) (intro.), 46.979 (2) (c) 1., 46.979 (2) (c) 2., 46.979 (2) (c)
8 3., 46.979 (2) (c) 4., 46.98 (2) (c), 46.982, 46.984 (2) (a), 46.986 (2) (a), 46.987 (1)
9 (b), 46.987 (1) (d), 46.987 (1) (e), 46.987 (2) (a), 46.987 (3) (a), 46.987 (3) (c),
10 46.987 (4) (intro.), 46.987 (4) (a) and 46.987 (4) (c); **to amend** 20.435 (1) (n),
11 20.435 (7) (o), 20.445 (1) (k), 20.445 (3) (a), 20.445 (3) (n), 20.445 (3) (nL), 20.445
12 (3) (p), 20.855 (7) (j), 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1) (b), 39.30
13 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.25 (4) (b), 45.351 (2) (c),
14 45.356 (6), 45.396 (6), 45.74 (6), 46.03 (7) (bm), 46.03 (18) (a), 46.10 (14) (b),
15 46.215 (1) (p), 46.22 (1) (b) 1. f., 46.40 (1) (a), 46.45 (intro.), 46.45 (6), 46.49 (1),
16 46.495 (1) (d), 46.495 (1) (dc), 46.495 (1) (f), 46.979 (2) (a), 46.98 (2) (a), 48.30 (6),
17 48.31 (7), 48.357 (5m), 48.36 (1) (b), 48.363 (1), 48.651 (1) (intro.), 49.191 (1) (b),
18 49.191 (2), 49.193 (8) (a), 49.22 (7), 49.25 (8) (a), 49.25 (8) (b), 49.27 (6) (c), 49.27
19 (10) (c), 49.27 (10) (e), 49.32 (1) (a), 49.83, 49.90 (2), 49.90 (2g), 59.07 (97), 59.395
20 (7), 59.458 (2), 69.03 (14), 69.15 (3) (b) 3., 71.75 (1), 71.75 (9), 71.78 (4) (g), 71.80
21 (3), 71.80 (3m) (a), 71.80 (3m) (b) 2., 71.88 (1) (a), 71.93 (1) (a) 2., 77.59 (5),
22 101.123 (1) (ad), 108.13 (4) (b), 108.13 (4) (f), 119.72 (2) (a), 119.72 (2) (b), 144.25
23 (8) (L), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f),
24 234.90 (3) (d), 234.90 (3g) (c), 234.905 (3) (d), 565.30 (5), 565.30 (5m), 767.045
25 (1) (c) 1., 767.045 (1) (c) 2., 767.075 (1) (a), 767.075 (1) (b), 767.075 (2) (a),

1 767.075 (2) (b), 767.077 (intro.), 767.078 (1) (d) 1. c., 767.078 (1) (d) 3., 767.08
 2 (3), 767.085 (2) (b), 767.085 (2m) (a) 2., 767.13 (7), 767.15 (2), 767.23 (1n), 767.25
 3 (1g), 767.25 (1j), 767.25 (4m) (d) 2., 767.25 (4m) (e) 1., 767.262 (1) (b), 767.262
 4 (3), 767.265 (6) (c), 767.27 (3) (b), 767.27 (4), 767.29 (1), 767.29 (2), 767.295 (2)
 5 (a) 2., 767.295 (2) (c), 767.32 (1) (a), 767.32 (1) (b) 4., 767.32 (1) (c) 1., 767.32 (2),
 6 767.32 (4), 767.33 (1), 767.45 (6m), 767.45 (7), 767.455 (6), 767.47 (6) (a), 767.51
 7 (3m) (d) 2., 767.51 (3m) (e) 1., 767.51 (4g), 767.51 (4m), 767.52 (3), 767.53 (2),
 8 769.31 (1), 949.08 (2) (g) and 978.06 (6); **to repeal and recreate** 20.435 (1) (n),
 9 20.445 (3) (n), 20.445 (3) (nL), 46.495 (1) (d), 46.495 (1) (dc) and 46.495 (1) (f);
 10 and **to create** 20.445 (3) (cp), 49.13, 49.131 (4), 49.22 (7), 103.005 (18) and
 11 767.001 (1d) of the statutes; **relating to:** transferring the bureau of child
 12 support and the office of child care from the department of health and family
 13 services to the department of industry, labor and job development, granting
 14 rule-making authority and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

15 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
 16 the following amounts for the purposes indicated:

	1995-96	1996-97
18 20.445 Industry, labor and job development,		
19 department of		
20 (3) ECONOMIC SUPPORT		
21 (cp) At-risk and low-income child		
22 care	GPR A	-0- 5,163,300

1 **SECTION 2.** 20.435 (1) (n) of the statutes is repealed and recreated to read:

2 20.435 (1) (n) *Federal program operations.* All moneys received from the
3 federal government or any of its agencies for the state administration of continuing
4 programs and all moneys transferred from the appropriation account under sub. (3)
5 (kx), to be expended for the purposes specified.

6 **SECTION 3.** 20.435 (1) (n) of the statutes, as affected by 1995 Wisconsin Act ...
7 (this act), is amended to read:

8 20.435 (1) (n) *Federal program operations.* All moneys received from the
9 federal government or any of its agencies for the state administration of continuing
10 programs and all moneys transferred from the appropriation account under sub. (3)
11 (~~kx~~), to be expended for the purposes specified.

12 **SECTION 4.** 20.435 (3) (cb) of the statutes, as affected by 1995 Wisconsin Act 27,
13 is renumbered 20.445 (3) (cb) and amended to read:

14 20.445 (3) (cb) *Child support collection — county administration.* The amounts
15 in the schedule for the county child support order revision programs under s. 46.258
16 49.23 (1), for state incentive payments under s. ~~46.258~~ 49.23 (2), for assistance to
17 counties in establishing paternity and obtaining child support and for payments to
18 Milwaukee County under s. 49.25 (8) (b) to fund an additional family court
19 commissioner.

20 **SECTION 5.** 20.435 (3) (cc) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is repealed.

22 **SECTION 6.** 20.435 (3) (g) of the statutes, as affected by 1995 Wisconsin Act 27,
23 is renumbered 20.445 (3) (g).

24 **SECTION 7.** 20.435 (3) (ja) of the statutes, as affected by 1995 Wisconsin Act 27,
25 is renumbered 20.445 (3) (ja) and amended to read:

1 20.445 (3) (ja) *Child support state operations — fees.* All moneys received from
2 fees charged under s. ~~46.25~~ 49.22 (8) and from fees charged and incentive payments
3 and collections retained under s. ~~46.25~~ 49.22 (7m), for administering the program
4 under s. ~~46.25~~ 49.22 and all other purposes specified in s. ~~46.25~~ 49.22.

5 **SECTION 8.** 20.435 (3) (jg) of the statutes, as affected by 1995 Wisconsin Act 27,
6 is renumbered 20.445 (3) (jg) and amended to read:

7 20.445 (3) (jg) *State child care program operations.* All moneys transferred
8 from ~~sub. s. 20.435~~ (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993
9 stats., for the purposes of providing child care services under ss. ~~46.98~~ 49.132 (2m),
10 and (3) ~~and~~ (4g) and 49.191 (1) (b) and (2), and for providing training for child care
11 providers, ~~and for automating state child care licensing.~~ All moneys transferred
12 from ~~sub. s. 20.435~~ (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993
13 stats., shall be distributed in the calendar year immediately following the transfer
14 according to an expenditure plan that is determined by the department and approved
15 by the secretary of administration.

16 **SECTION 9.** 20.435 (7) (o) of the statutes, as affected by 1995 Wisconsin Act 216,
17 is amended to read:

18 20.435 (7) (o) *Federal aid; community aids.* All federal moneys received in
19 amounts pursuant to allocation plans developed by the department for the provision
20 or purchase of services authorized under par. (b) and s. 46.70; all federal moneys
21 received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985;
22 ~~all federal child care and development block grant funds received under 42 USC 9858~~
23 ~~that are allocated under s. 46.40 (4m) for distribution under s. 46.98 (2); all federal~~
24 ~~moneys received as child care grants under 42 USC 603 (n) as allocated under s. 46.40~~
25 ~~(4m) and distributed under s. 46.98 (2); and all unanticipated federal social services~~

1 block grant funds received under 42 USC 1397 to 1397e, in accordance with s. 46.49
2 (2), for distribution under s. 46.40. Disbursements from this appropriation may be
3 made directly to counties for social and mental hygiene services under s. 46.03 (20)
4 (b) or 46.031 or directly to counties in accordance with federal requirements for the
5 disbursal of federal funds.

6 **SECTION 10.** 20.445 (1) (k) of the statutes is amended to read:

7 20.445 (1) (k) *Fees.* All moneys received from fees charged to counties and to
8 ~~the department of health and social services~~ under ss. ~~46.25~~ 49.22 (8) and 108.13 (4)
9 (f) for administrative costs incurred in the enforcement of child and spousal support
10 obligations under 42 USC 654.

11 **SECTION 11.** 20.445 (3) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
12 is amended to read:

13 20.445 (3) (a) *General program operations.* The amounts in the schedule for
14 general program operations relating to economic support, including field services
15 and administrative services, and for administering the program under s. 49.22 and
16 all other purposes specified in s. 49.22. No moneys may be expended under this
17 paragraph for the program under, or any other purpose specified in, s. 49.22 unless
18 moneys appropriated under par. (ja) are insufficient for the purposes specified under
19 that paragraph.

20 **SECTION 12.** 20.445 (3) (cp) of the statutes is created to read:

21 20.445 (3) (cp) *At-risk and low-income child care.* The amounts in the schedule
22 for at-risk and low-income child care under s. 49.132.

23 **SECTION 13.** 20.445 (3) (n) of the statutes, as created by 1995 Wisconsin Act 27,
24 is amended to read:

1 20.445 (3) (n) *Federal program operations*. All moneys received from the
2 federal government or any of its agencies for the state administration of continuing
3 programs and all moneys transferred from the appropriation accounts under s.
4 20.435 (3) (n) and (8) (n), to be expended for the purposes specified.

5 **SECTION 14.** 20.445 (3) (n) of the statutes, as affected by 1995 Wisconsin Act
6 (this act), is repealed and recreated to read:

7 20.445 (3) (n) *Federal program operations*. All moneys received from the
8 federal government or any of its agencies for the state administration of continuing
9 programs to be expended for the purposes specified.

10 **SECTION 15.** 20.445 (3) (nL) of the statutes, as created by 1995 Wisconsin Act
11 27, is amended to read:

12 20.445 (3) (nL) *Federal program local assistance*. All moneys received from the
13 federal government or any of its agencies for continuing programs and all moneys
14 transferred from the appropriation account under s. 20.435 (3) (nL), to be expended
15 as local assistance for the purposes specified, except that the following amounts shall
16 lapse from this appropriation to the general fund: in each calendar year, 55% of the
17 federal moneys made available to support prosecution of welfare fraud in this state,
18 as determined by the secretary of administration.

19 **SECTION 16.** 20.445 (3) (nL) of the statutes, as affected by 1995 Wisconsin Act
20 (this act), is repealed and recreated to read:

21 20.445 (3) (nL) *Federal program local assistance*. All moneys received from the
22 federal government or any of its agencies for continuing programs to be expended as
23 local assistance for the purposes specified, except that the following amounts shall
24 lapse from this appropriation to the general fund: in each calendar year, 55% of the

1 federal moneys made available to support prosecution of welfare fraud in this state,
2 as determined by the secretary of administration.

3 **SECTION 17.** 20.445 (3) (p) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is amended to read:

5 20.445 (3) (p) *Federal aid; income maintenance payments.* All federal moneys
6 received for meeting costs of county administered public assistance programs under
7 subch. III of ch. 49, the costs of the child and spousal support and establishment of
8 paternity program under s. ~~46.25~~ 49.22 and the cost of child care and related
9 transportation under s. 49.26 (1) (e). Disbursements under s. 46.03 (20) may be made
10 from this appropriation. Any disbursement made under this appropriation to carry
11 out a contract under ss. ~~46.25~~ 49.22 (7) and 59.07 (97) shall be in accordance with the
12 formula established by the department of ~~health and social services~~ industry, labor
13 and job development under s. ~~46.25~~ 49.22 (7).

14 **SECTION 18.** 20.855 (7) (j) of the statutes, as affected by 1995 Wisconsin Act 27,
15 is amended to read:

16 20.855 (7) (j) *Delinquent support and maintenance payments.* All moneys
17 received under s. ~~46.255~~ 49.855 for child support, maintenance, medical expenses or
18 birth expenses, to be distributed to clerks of court.

19 **SECTION 19.** 21.49 (2) (e) of the statutes is amended to read:

20 21.49 (2) (e) Delinquent in child support or maintenance payments and who
21 does not owe past support, medical expenses or birth expenses, as established by the
22 receipt by the department of a certification under s. ~~46.255~~ 49.855 (7).

23 **SECTION 20.** 36.11 (6) (b) of the statutes is amended to read:

24 36.11 (6) (b) The board may not make a grant under par. (a) to a person if it
25 receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in

1 child support or maintenance payments or owes past support, medical expenses or
2 birth expenses.

3 **SECTION 21.** 36.25 (14) of the statutes is amended to read:

4 36.25 (14) GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant
5 program for minority and disadvantaged graduate students enrolled in the system.
6 The grants shall be awarded from the appropriation under s. 20.285 (4) (b). The
7 board shall give preference in awarding grants under this subsection to residents of
8 this state. The board may not make a grant under this subsection to a person if it
9 receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in
10 child support or maintenance payments or owes past support, medical expenses or
11 birth expenses.

12 **SECTION 22.** 36.34 (1) (b) of the statutes is amended to read:

13 36.34 (1) (b) The board shall establish a grant program for minority
14 undergraduates enrolled in the system. The board shall designate all grants under
15 this subsection as Lawton grants. Grants shall be awarded from the appropriation
16 under s. 20.285 (4) (dd). The board may not make a grant under this subsection to
17 a person if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is
18 delinquent in child support or maintenance payments or owes past support, medical
19 expenses or birth expenses.

20 **SECTION 23.** 39.30 (2) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is amended to read:

22 39.30 (2) (e) The department may not make a grant to a student if the
23 department receives a certification under s. ~~46.255~~ 49.855 (7) that the student is
24 delinquent in child support or maintenance payments or owes past support, medical
25 expenses or birth expenses.

1 **SECTION 24.** 39.38 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
2 section 1887g, is amended to read:

3 39.38 (2) Grants under this section shall be based on financial need, as
4 determined by the department. The maximum grant shall not exceed \$2,200 per
5 year, of which not more than \$1,100 may be from the appropriation under s. 20.235
6 (1) (fb). State aid from this appropriation may be matched by a contribution from a
7 federally recognized American Indian tribe or band that is deposited in the general
8 fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall
9 be awarded to students for full-time or part-time attendance at any accredited
10 institution of higher education in this state. The department may not make a grant
11 under this section to a student if the department receives a certification under s.
12 ~~46.255~~ 49.855 (7) that the student is delinquent in child support or maintenance
13 payments or owes past support, medical expenses or birth expenses. Grants shall
14 be renewable for up to 5 years if a recipient remains in good academic standing at
15 the institution that he or she is attending. The American Indian language and
16 culture education board shall advise the department on the allocation of grants to
17 students enrolled less than half-time.

18 **SECTION 25.** 39.435 (6) of the statutes, as affected by 1995 Wisconsin Act 27,
19 is amended to read:

20 39.435 (6) The department may not make a grant under this section to a person
21 if the department receives a certification under s. ~~46.255~~ 49.855 (7) that the person
22 is delinquent in child support or maintenance payments or owes past support,
23 medical expenses or birth expenses.

24 **SECTION 26.** 39.44 (4) of the statutes, as affected by 1995 Wisconsin Act 27, is
25 amended to read:

1 39.44 (4) The department shall notify an institution or school receiving funds
2 under sub. (2) if the department receives a certification under s. ~~46.255~~ 49.855 (7)
3 that a student is delinquent in child support or maintenance payments or owes past
4 support, medical expenses or birth expenses. An institution or school may not award
5 a grant under this section to a student if it receives a notification under this
6 subsection concerning that student.

7 **SECTION 27.** 39.47 (2m) of the statutes, as affected by 1995 Wisconsin Act 27,
8 is amended to read:

9 39.47 (2m) No resident of this state may receive a waiver of nonresident tuition
10 under this section if the department receives a certification under s. ~~46.255~~ 49.855
11 (7) that the resident is delinquent in child support or maintenance payments or owes
12 past support, medical expenses or birth expenses.

13 **SECTION 28.** 45.25 (4) (b) of the statutes is amended to read:

14 45.25 (4) (b) The department may not provide reimbursement under sub. (2)
15 to an individual who is delinquent in child support or maintenance payments or who
16 owes past support, medical expenses or birth expenses, as established by the receipt
17 by the department of a certification under s. ~~46.255~~ 49.855.

18 **SECTION 29.** 45.351 (2) (c) of the statutes is amended to read:

19 45.351 (2) (c) No person may receive a loan under this subsection if the
20 department receives a certification under s. ~~46.255~~ 49.855 (7) that the person is
21 delinquent in child support or maintenance payments or owes past support, medical
22 expenses or birth expenses.

23 **SECTION 30.** 45.356 (6) of the statutes is amended to read:

24 45.356 (6) No person may receive a loan under this section if the department
25 receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in

1 child support or maintenance payments or owes past support, medical expenses or
2 birth expenses.

3 **SECTION 31.** 45.396 (6) of the statutes is amended to read:

4 45.396 (6) The department may not make a grant to a person under this section
5 if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent
6 in child support or maintenance payments or owes past support, medical expenses
7 or birth expenses.

8 **SECTION 32.** 45.74 (6) of the statutes is amended to read:

9 45.74 (6) DELINQUENT SUPPORT PAYMENTS. It has received a certification under
10 s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance
11 payments or owes past support, medical expenses or birth expenses.

12 **SECTION 33.** 46.03 (7) (b) of the statutes, as affected by 1995 Wisconsin Act 225,
13 is repealed.

14 **SECTION 34.** 46.03 (7) (bm) of the statutes is amended to read:

15 46.03 (7) (bm) Maintain a file containing records of artificial inseminations
16 under s. 891.40 and records of declarations of paternal interest under s. 48.025 and
17 of statements acknowledging paternity under s. 69.15 (3) (b). The department shall
18 release these records only upon an order of the court except that the department may
19 use nonidentifying information concerning artificial inseminations for the purpose
20 of compiling statistics and except that records relating to declarations of paternal
21 interest and statements acknowledging paternity ~~may be used~~ shall be released to
22 the department of industry, labor and job development or its designee under s. 59.07
23 (97) without a court order upon the request of the department of industry, labor and
24 job development or its designee under s. 59.07 (97) pursuant to the program

1 responsibilities under s. ~~46.25~~ 49.22 or by any other person with a direct and tangible
2 interest in the record.

3 **SECTION 35.** 46.03 (18) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is amended to read:

5 46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department of
6 health and family services shall establish a uniform system of fees for services
7 provided or purchased by the department of health and family services, or a county
8 department under s. 46.215, 46.22, 51.42 or 51.437, except for services provided
9 under subch. III of ch. 49; services relating to adoption; services provided to courts;
10 ~~child support and paternity establishment services to recipients of aid to families~~
11 ~~with dependent children~~; outreach, information and referral services; or where, as
12 determined by the department of health and family services, a fee is administratively
13 unfeasible or would significantly prevent accomplishing the purpose of the service.
14 A county department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees
15 which it collects under this program to cover the cost of such services. The
16 department of health and family services shall report to the joint committee on
17 finance no later than March 1 of each year on the number of children placed for
18 adoption by the department of health and family services during the previous year
19 and the costs to the state for services relating to such adoptions.

20 **SECTION 36.** 46.10 (14) (b) of the statutes, as affected by 1995 Wisconsin Act 77,
21 is amended to read:

22 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
23 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
24 parent's minor child who has been placed by a court order under s. 48.355, 48.357,
25 938.183 (2), 938.355 or 938.357 in a residential, nonmedical facility such as a group

1 home, foster home, treatment foster home, child caring institution or juvenile
2 correctional institution shall be determined by the court by using the percentage
3 standard established by the department of industry, labor and job development
4 under s. ~~46.25~~ 49.22 (9) (a) and by applying the percentage standard in the manner
5 established by the department under s. ~~46.25 (9) (b)~~ 46.247.

6 **SECTION 37.** 46.215 (1) (p) of the statutes is amended to read:

7 46.215 (1) (p) To establish and administer the child care program under s. ~~46.98~~
8 49.132.

9 **SECTION 38.** 46.22 (1) (b) 1. f. of the statutes, as affected by 1995 Wisconsin Act
10 27, is amended to read:

11 46.22 (1) (b) 1. f. To establish and administer the child care program under s.
12 ~~46.98~~ 49.132.

13 **SECTION 39.** 46.25 (title), (1) and (2) of the statutes are renumbered 49.22
14 (title), (1) and (2), and 49.22 (1), as renumbered, is amended to read:

15 49.22 (1) There is created a child and spousal support and establishment of
16 paternity and medical liability support program in the department. The purpose of
17 this program is to establish paternity when possible, to establish or modify support
18 obligations, to enforce support obligations owed by parents to their children and
19 maintenance obligations owed to spouses or former spouses with whom the children
20 reside in this state or owed in other states if the support order was issued in this state
21 or owed in other states if the parent, spouse or former spouse resides in this state,
22 to locate persons who are alleged to have taken their child in violation of s. 948.31
23 or of similar laws in other states, and to locate and value property of any person
24 having a support duty. To accomplish the objectives of this program and of other
25 assistance programs under ~~ch. 49~~ this chapter, county and state agencies will

1 cooperate with one another to implement a child and spousal support and paternity
2 establishment program in accordance with state and federal laws, regulations and
3 rules and to assure proper distribution of benefits of all assistance programs
4 authorized under ~~ch. 49~~ this chapter.

5 **SECTION 40.** 46.25 (2m) of the statutes, as affected by 1995 Wisconsin Act 187,
6 is renumbered 49.22 (2m).

7 **SECTION 41.** 46.25 (2p) of the statutes, as created by 1995 Wisconsin Act 187,
8 is renumbered 49.22 (2p).

9 **SECTION 42.** 46.25 (3) and (4) of the statutes are renumbered 49.22 (3) and (4).

10 **SECTION 43.** 46.25 (6) of the statutes, as affected by 1995 Wisconsin Act 289,
11 is renumbered 49.22 (6).

12 **SECTION 44.** 46.25 (7) of the statutes, as affected by 1995 Wisconsin Act 225,
13 section 98, is repealed.

14 **SECTION 45.** 46.25 (7m) of the statutes, as affected by 1995 Wisconsin Act 289,
15 is renumbered 49.22 (7m).

16 **SECTION 46.** 46.25 (8) and (9) (a) of the statutes are renumbered 49.22 (8) and
17 (9), and 49.22 (8), as renumbered, is amended to read:

18 49.22 (8) The department may charge other states and counties seeking
19 collection of child and spousal support for any administrative costs it incurs in
20 providing services related to interstate child support collections, the federal parent
21 locator service under 42 USC 653, the interception of unemployment compensation
22 under 42 USC 654 or the withholding of state and federal income tax refunds under
23 s. ~~46.255~~ 49.855 and 42 USC 664.

24 **SECTION 47.** 46.25 (9) (b) of the statutes, as affected by 1995 Wisconsin Act 77,
25 is renumbered 46.247 and amended to read:

1 **46.247** (title) **Application of child support standard for certain**
2 **children.** For purposes of determining child support under s. 46.10 (14) (b), the
3 department shall promulgate ~~separate~~ rules related to the application of the
4 standard established by the department of industry, labor and job development
5 ~~under par. (a) s. 49.22 (9)~~ to a child support obligation for the care and maintenance
6 of a child who is placed by a court order under s. 48.355, 48.357, 938.183 (2), 938.355
7 or 938.357 in a residential, nonmedical facility. The rules shall take into account the
8 needs of any person, including dependent children other than the child, whom either
9 parent is legally obligated to support.

10 **SECTION 48.** 46.25 (11) of the statutes is renumbered 49.22 (11).

11 **SECTION 49.** 46.252 of the statutes, as created by 1995 Wisconsin Act 27, is
12 repealed.

13 **SECTION 50.** 46.255 (title) of the statutes is renumbered 49.855 (title).

14 **SECTION 51.** 46.255 (1) of the statutes, as affected by 1995 Wisconsin Act 279,
15 is renumbered 49.855 (1) and amended to read:

16 49.855 (1) If a person obligated to provide child support or maintenance is
17 delinquent in making court-ordered payments, or owes an outstanding amount that
18 has been ordered by the court for past support, medical expenses or birth expenses,
19 the clerk of circuit court or county support collection designee under s. 59.07 (97m),
20 whichever is appropriate, upon application of the county designee under s. 59.07 (97)
21 or the department of industry, labor and job development, shall certify the
22 delinquent payment or outstanding amount to the department of industry, labor and
23 job development.

24 **SECTION 52.** 46.255 (2) and (2m) of the statutes are renumbered 49.855 (2) and
25 (2m), and 49.855 (2), as renumbered, is amended to read:

1 49.855 (2) At least annually, the department of ~~health and social services~~
2 industry, labor and job development shall provide to the department of revenue the
3 certifications that it receives under sub. (1) and any certifications of delinquencies
4 or outstanding amounts that it receives from another state because the obligor
5 resides in this state.

6 **SECTION 53.** 46.255 (3) of the statutes, as affected by 1995 Wisconsin Act 279,
7 is renumbered 49.855 (3).

8 **SECTION 54.** 46.255 (4) of the statutes, as affected by 1995 Wisconsin Act 279,
9 is renumbered 49.855 (4) and amended to read:

10 49.855 (4) The department of revenue shall send that portion of any state or
11 federal tax refunds or credits withheld for delinquent child support or maintenance
12 or past support, medical expenses or birth expenses to the department of ~~health and~~
13 ~~social services~~ industry, labor and job development for distribution to the appropriate
14 clerk of circuit court or county support collection designee under s. 59.07 (97m). The
15 department of ~~health and social services~~ industry, labor and job development shall
16 make a settlement at least annually with the department of revenue and with each
17 clerk of circuit court or county support collection designee under s. 59.07 (97m) who
18 has certified a delinquent obligation or outstanding amount for past support,
19 medical expenses or birth expenses. The settlement shall state the amounts
20 certified, the amounts deducted from tax refunds and credits and returned to the
21 clerk of circuit court or county support collection designee under s. 59.07 (97m) and
22 the administrative costs incurred by the department of revenue. The department of
23 ~~health and social services~~ industry, labor and job development may charge the county
24 whose clerk of circuit court or county support collection designee under s. 59.07 (97m)
25 certified the obligation or outstanding amount the related administrative costs

1 incurred by the department of ~~health and social services~~ industry, labor and job
2 development and the department of revenue.

3 **SECTION 55.** 46.255 (4m) (a) of the statutes is renumbered 49.855 (4m) (a).

4 **SECTION 56.** 46.255 (4m) (b) and (c) of the statutes, as affected by 1995
5 Wisconsin Act 279, are renumbered 49.855 (4m) (b) and (c) and amended to read:

6 49.855 (4m) (b) The department of revenue may provide a certification that it
7 receives under sub. (2) or (2m) to the department of administration. Upon receipt
8 of the certification, the department of administration shall determine whether the
9 obligor is a vendor or is receiving any other payments from this state, except for
10 wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1),
11 this chapter or ch. 49 46 or 108. If the department of administration determines that
12 the obligor is a vendor or is receiving payments from this state, except for wages,
13 retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this
14 chapter or ch. 49 46 or 108, it shall begin to withhold the amount certified from those
15 payments and shall notify the obligor that the state intends to reduce any payments
16 due the obligor by the amount the obligor is delinquent under the support or
17 maintenance order, by the outstanding amount for past support, medical expenses
18 or birth expenses under the court order or by the amount due under s. 46.10 (4). The
19 notice shall provide that within 20 days after receipt of the notice the obligor may
20 request a hearing before the circuit court rendering the order. An obligor may, within
21 20 days after receiving notice, request a hearing under this paragraph. Within 10
22 days after receiving a request for hearing under this paragraph, the court shall set
23 the matter for hearing. The family court commissioner may conduct the hearing.
24 Pending further order by the court or family court commissioner, the clerk of circuit
25 court or county support collection designee under s. 59.07 (97m) may not disburse the

1 payments withheld from the obligor. The sole issues at the hearing are whether the
2 obligor owes the amount certified and, if not and it is a support or maintenance order,
3 whether the money withheld shall be paid to the obligor or held for future support
4 or maintenance.

5 (c) Except as provided by order of the court after hearing under par. (b), the
6 department of administration shall continue withholding until the amount certified
7 is recovered in full. The department of administration shall transfer the amounts
8 withheld under this paragraph to the department of ~~health and social services~~
9 industry, labor and job development for distribution to the appropriate clerk of court
10 ~~or~~, county support collection designee under s. 59.07 (97m) or department of health
11 and family services, whichever is appropriate.

12 **SECTION 57.** 46.255 (4m) (d) of the statutes is renumbered 49.855 (4m) (d).

13 **SECTION 58.** 46.255 (5) and (6) of the statutes, as affected by 1995 Wisconsin
14 Act 279, are renumbered 49.855 (5) and (6), and 49.855 (5), as renumbered, is
15 amended to read:

16 49.855 (5) Certification of an obligation to the department of ~~health and social~~
17 ~~services~~ industry, labor and job development does not deprive any party of the right
18 to collect the obligation or to prosecute the obligor. The clerk of court or county
19 support collection designee under s. 59.07 (97m), whichever is appropriate, shall
20 immediately notify the department of industry, labor and job development of any
21 collection of an obligation that has been certified by the clerk of court or county
22 support collection designee under s. 59.07 (97m). The department of industry, labor
23 and job development shall correct the certified obligation according to the amount
24 the county has collected and report the correction to the department of revenue.

1 **SECTION 59.** 46.255 (7) of the statutes is renumbered 49.855 (7) and amended
2 to read:

3 49.855 (7) The department of industry, labor and job development may provide
4 a certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11
5 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m),
6 45.351 (2) (c), 45.356 (6), 45.396 (6), 45.74 (6), 144.25 (8) (L), 145.245 (5m) (b), 234.04
7 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.90 (3) (d) or (3g) (c), 234.905 (3) (d)
8 or 949.08 (2) (g).

9 **SECTION 60.** 46.258 (title) of the statutes is renumbered 49.23 (title).

10 **SECTION 61.** 46.258 (1) of the statutes, as affected by 1995 Wisconsin Act 289,
11 is renumbered 49.23 (1) and amended to read:

12 49.23 (1) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the
13 department shall award grants to counties for programs to revise child support
14 orders. Each county receiving a grant shall review child support orders awarded to
15 persons who receive benefits under s. 48.57 (3m) or 49.148 or whose children receive
16 benefits under s. 49.19 and to persons who do not receive benefits under s. 48.57 (3m)
17 or 49.148 and whose children do not receive benefits under s. 49.19 and shall initiate
18 actions to revise the orders based on that review. Each county receiving a grant shall
19 review child support orders awarded to persons who receive benefits under s. 48.57
20 (3m) or 49.148 or whose children receive benefits under s. 49.19 and child support
21 orders awarded to persons who do not receive benefits under s. 48.57 (3m) or 49.148
22 and whose children do not receive benefits under s. 49.19 in proportion to the number
23 of those 2 categories of orders in the county's child support case load. Before a county
24 may initiate an action to revise a child support order under this subsection for a
25 person who does not receive benefits under s. 48.57 (3m) or 49.148 and whose

1 children do not receive benefits under s. 49.19, the custodial parent of the children
2 must voluntarily consent to the revision.

3 **SECTION 62.** 46.258 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin
4 Act 27, section 2160b, is renumbered 49.23 (2) (a) (intro.) and amended to read:

5 49.23 (2) (a) (intro.) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the
6 department shall provide state incentive payments, in a total amount of not less than
7 \$259,000 in each fiscal year, to counties that meet the child support collection and
8 child support administrative efficiency criteria, according to a distribution formula
9 determined by the department that does all of the following:

10 **SECTION 63.** 46.258 (2) (a) 1. of the statutes, as affected by 1995 Wisconsin Act
11 289, is renumbered 49.23 (2) (a) 1.

12 **SECTION 64.** 46.258 (2) (a) 2. and 3. and (b) of the statutes are renumbered 49.23
13 (2) (a) 2. and 3. and (b), and 49.23 (2) (a) 3. and (b), as renumbered, are amended to
14 read:

15 49.23 (2) (a) 3. Provides for state incentive payments to a county in an amount
16 such that the total of state and federal incentive payments to the county is not more
17 than 5% more than the costs of the county's child support program under s. ~~46.25~~
18 49.22.

19 (b) A county that receives a state incentive payment under par. (a) may use the
20 funds only to pay the costs of its child support program under s. ~~46.25~~ 49.22.

21 **SECTION 65.** 46.40 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
22 is amended to read:

23 46.40 (1) (a) Within the limits of available federal funds and of the
24 appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds
25 for community social, mental health, developmental disabilities and alcohol and

1 other drug abuse services and for services under ss. 46.51, 46.87, ~~46.98 (2m), (3) and~~
2 ~~(4g)~~, 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42
3 and 51.437, and to county aging units ~~and to private nonprofit organizations as~~
4 ~~authorized under s. 46.98 (2) (a)~~, as provided in subs. (2) to (8).

5 **SECTION 66.** 46.40 (4m) of the statutes, as created by 1995 Wisconsin Act 27,
6 is repealed.

7 **SECTION 67.** 46.45 (intro.) of the statutes, as affected by 1995 Wisconsin Act 27,
8 is amended to read:

9 **46.45 Carry-over of community aids funds.** (intro.) Funds allocated by
10 the department under ss. 46.495 (1) (d), 46.87 (3) (c) 4. and (4), ~~46.98 (2) (a)~~ and 51.423
11 (2) but not spent or encumbered by counties, governing bodies of federally recognized
12 American Indian tribes or private nonprofit organizations by December 31 of each
13 year and funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and deposited in
14 the appropriation under s. 20.435 (7) (b) lapse to the general fund on the succeeding
15 January 1 unless carried forward to the next calendar year under s. 20.435 (7) (b) or
16 as follows:

17 **SECTION 68.** 46.45 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is
18 repealed.

19 **SECTION 69.** 46.45 (6) of the statutes is amended to read:

20 46.45 (6) The department may carry forward 10% of any funds not carried
21 forward under ~~subs. (1) and sub.~~ (3) for emergencies, for justifiable unit services costs
22 above planned levels and to provide compensation for increased costs due to
23 population shifts.

24 **SECTION 70.** 46.49 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is
25 amended to read:

1 46.49 (1) Subject to ss. 46.40 (1) (b) and 46.48 (15) (b), if the department
2 receives unanticipated federal community mental health services block grant funds
3 under 42 USC 300x to 300x-9, federal prevention and treatment of substance abuse
4 block grant funds under 42 USC 300x-21 to 300x-35, ~~federal child care grant funds~~
5 ~~under 42 USC 603 (n), or foster care and adoption assistance payments under 42~~
6 ~~USC 670 to 679a or child care and development block grant funds under 42 USC 9858~~
7 and it proposes to allocate the unanticipated funds so that an allocation limit in s.
8 46.40 is exceeded, the department shall submit a plan for the proposed allocation to
9 the secretary of administration. If the secretary of administration approves the plan,
10 he or she shall submit it to the joint committee on finance. If the cochairpersons of
11 the committee do not notify the secretary of administration that the committee has
12 scheduled a meeting for the purpose of reviewing the plan within 14 working days
13 after the date of his or her submittal, the department may implement the plan,
14 notwithstanding any allocation limits under s. 46.40. If within 14 working days after
15 the date of the submittal by the secretary of administration the cochairpersons of the
16 committee notify him or her that the committee has scheduled a meeting for the
17 purpose of reviewing the plan, the department may implement the plan,
18 notwithstanding s. 46.40, only with the approval of the committee.

19 **SECTION 71.** 46.495 (1) (d) of the statutes, as affected by 1995 Wisconsin Act
20 289, is amended to read:

21 46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the
22 department of health and family services shall distribute the funding for social
23 services, including funding for foster care or treatment foster care of a child on whose
24 behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22
25 and 46.23 as provided under s. 46.40. From the appropriations under s. 20.445 (3)

1 (cp), (jg) and (md), the department of industry, labor and job development shall
2 distribute funding for at-risk and low-income child care under s. 49.132 (2) (a).
3 County matching funds are required for the distributions under s. ss. 46.40 (2), (4m)
4 and (8) and 49.132 (2) (a). Each county's required match for a year equals 9.89% of
5 the total of the county's distributions for that year for which matching funds are
6 required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to
7 spend for juvenile delinquency-related services from its distribution for 1987.
8 Matching funds may be from county tax levies, federal and state revenue sharing
9 funds or private donations to the county that meet the requirements specified in s.
10 51.423 (5). Private donations may not exceed 25% of the total county match. If the
11 county match is less than the amount required to generate the full amount of state
12 and federal funds distributed for this period, the decrease in the amount of state and
13 federal funds equals the difference between the required and the actual amount of
14 county matching funds.

15 **SECTION 72.** 46.495 (1) (d) of the statutes, as affected by 1995 Wisconsin Act ...
16 (this act), is repealed and recreated to read:

17 46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the
18 department shall distribute the funding for social services, including funding for
19 foster care or treatment foster care of a child on whose behalf aid is received under
20 s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23 as provided under
21 s. 46.40. County matching funds are required for the distributions under s. 46.40 (2)
22 and (8). Each county's required match for a year equals 9.89% of the total of the
23 county's distributions for that year for which matching funds are required plus the
24 amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile
25 delinquency-related services from its distribution for 1987. Matching funds may be

1 from county tax levies, federal and state revenue sharing funds or private donations
2 to the county that meet the requirements specified in s. 51.423 (5). Private donations
3 may not exceed 25% of the total county match. If the county match is less than the
4 amount required to generate the full amount of state and federal funds distributed
5 for this period, the decrease in the amount of state and federal funds equals the
6 difference between the required and the actual amount of county matching funds.

7 **SECTION 73.** 46.495 (1) (dc) of the statutes, as affected by 1995 Wisconsin Act
8 27, is amended to read:

9 46.495 (1) (dc) The department of health and family services shall prorate the
10 amount allocated by that department to any county department under s. 46.215 or
11 46.22 under par. (d) to reflect actual federal funds available. The department of
12 industry, labor and job development shall prorate the amount allocated by that
13 department to any county department under s. 46.215 or 46.22 under par. (d) to
14 reflect actual federal funds available.

15 **SECTION 74.** 46.495 (1) (dc) of the statutes, as affected by 1995 Wisconsin Act
16 (this act), is repealed and recreated to read:

17 46.495 (1) (dc) The department shall prorate the amount allocated to any
18 county department under s. 46.215 or 46.22 under par. (d) to reflect actual federal
19 funds available.

20 **SECTION 75.** 46.495 (1) (f) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is amended to read:

22 46.495 (1) (f) 1. If any state matching funds allocated by the department of
23 health and family services under par. (d) to match county funds are not claimed, the
24 funds shall be redistributed for the purposes the that department designates. If any
25 state matching funds allocated by the department of industry, labor and job

1 development under par. (d) to match county funds are not claimed, the funds shall
2 be redistributed for the purposes that department designates.

3 2. The county allocation to match aid increases shall be included in the ~~contract~~
4 contracts under ~~s. ss.~~ ss. 46.031 (2g) and 49.325 (2g) and approved by January 1 of the
5 year for which funds are allocated, in order to generate state aid matching funds.
6 All funds allocated under par. (d) shall be included in the ~~contract~~ contracts under
7 ~~s. ss.~~ ss. 46.031 (2g) and 49.325 (2g) and approved.

8 **SECTION 76.** 46.495 (1) (f) of the statutes, as affected by 1995 Wisconsin Act ...
9 (this act), is repealed and recreated to read:

10 46.495 (1) (f) 1. If any state matching funds allocated under par. (d) to match
11 county funds are not claimed, the funds shall be redistributed for the purposes the
12 department designates.

13 2. The county allocation to match aid increases shall be included in the contract
14 under s. 46.031 (2g) and approved by January 1 of the year for which funds are
15 allocated, in order to generate state aid matching funds. All funds allocated under
16 par. (d) shall be included in the contract under s. 46.031 (2g) and approved.

17 **SECTION 77.** 46.979 (title) of the statutes is renumbered 49.131 (title).

18 **SECTION 78.** 46.979 (1) of the statutes, as affected by 1995 Wisconsin Act 289,
19 is renumbered 49.131 (1).

20 **SECTION 79.** 46.979 (2) (intro.) of the statutes is renumbered 49.131 (2) (intro.)
21 and amended to read:

22 49.131 (2) (intro.) Subject to ~~ss. sub. (4) and s.~~ sub. (4) and s. 16.54 (2) and 46.49 (1), the
23 department shall, within the limits of the availability of the federal child care and
24 development block grant funds received under 42 USC 9858, do all of the following:

1 **SECTION 80.** 46.979 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
2 216, is amended to read:

3 46.979 (2) (a) From the appropriation under s. ~~20.435 (7) (o)~~, as allocated in s.
4 ~~46.40 (4m)~~ 20.445 (3) (md), distribute \$9,998,500 in fiscal year 1995-96 and
5 \$10,099,200 in fiscal year 1996-97 for child day care services under s. 46.98 (2m) and
6 (3).

7 **SECTION 81.** 46.979 (2) (b) 1. of the statutes, as affected by 1995 Wisconsin Act
8 27, section 2355, is renumbered 49.131 (2) (b) 1. and amended to read:

9 49.131 (2) (b) 1. From the appropriation under s. ~~20.435 (3) (kx)~~ 20.445 (3) (mc),
10 distribute \$190,800 in fiscal year 1995-96 and \$197,700 in fiscal year 1996-97 for
11 the purposes of providing technical assistance for child care providers and of
12 administering the child care programs funded under s. ~~20.435 (3) (ky) and (7) (b) and~~
13 ~~(o)~~ 20.445 (3) (cp) and (md).

14 **SECTION 82.** 46.979 (2) (b) 2. of the statutes, as affected by 1995 Wisconsin Act
15 27, is renumbered 49.131 (2) (b) 2. and amended to read:

16 49.131 (2) (b) 2. From the appropriation under s. ~~20.435 (6)~~ 20.445 (3) (mc)
17 ~~distribute \$948,300 in fiscal year 1995-96 and transfer~~ \$1,026,800 in fiscal year
18 1996-97 to the appropriation under s. 20.435 (6) (kx) for the purpose of day care
19 center licensing under s. 48.65.

20 **SECTION 83.** 46.979 (2) (c) (intro.) of the statutes, as affected by 1995 Wisconsin
21 Act 27, is renumbered 49.131 (2) (c) (intro.) and amended to read:

22 49.131 (2) (c) (intro.) From the appropriation under s. ~~20.435 (3) (ky)~~ 20.445 (3)
23 (md), distribute as follows the federal child care and development block grant funds
24 that are received under 42 USC 9858 and that are not distributed under par. (a) or
25 (b):

1 **SECTION 84.** 46.979 (2) (c) 1. of the statutes, as affected by 1995 Wisconsin Act
2 27, is renumbered 49.131 (2) (c) 1. and amended to read:

3 49.131 **(2)** (c) 1. For grants under s. ~~46.986~~ 49.136 (2) for the start-up and
4 expansion of child day care services, and for child day care start-up and expansion
5 planning, \$430,000 in fiscal year 1995-96 and \$226,400 in fiscal year 1996-97.

6 **SECTION 85.** 46.979 (2) (c) 2. of the statutes, as affected by 1995 Wisconsin Act
7 27, is renumbered 49.131 (2) (c) 2. and amended to read:

8 49.131 **(2)** (c) 2. For grants under s. ~~46.984~~ 49.134 (2) for child day care resource
9 and referral services, \$960,000 in fiscal year 1995-96 and \$960,000, in fiscal year
10 1996-97.

11 **SECTION 86.** 46.979 (2) (c) 3. of the statutes, as affected by 1995 Wisconsin Act
12 27, is renumbered 49.131 (2) (c) 3. and amended to read:

13 49.131 **(2)** (c) 3. For grants under s. ~~46.987~~ 49.137 (3) to assist child care
14 providers in meeting the quality of care standards established under s. ~~46.98~~ 49.132
15 (4) (e) and for a system of rates or a program of grants, as provided under s. ~~46.98~~
16 49.132 (4) (e), to reimburse child care providers that meet those quality of care
17 standards, \$1,559,200 in fiscal year 1995-96 and \$1,576,700 in fiscal year 1996-97.
18 If an amount distributed under this subdivision will not be fully expended, the
19 department may transfer the unexpended funds to the distribution under subd. 4.

20 **SECTION 87.** 46.979 (2) (c) 4. of the statutes, as affected by 1995 Wisconsin Act
21 27, is renumbered 49.131 (2) (c) 4. and amended to read:

22 49.131 **(2)** (c) 4. For grants under s. ~~46.987~~ 49.137 (2) and contracts under s.
23 ~~46.987~~ 49.137 (4) to improve the quality of child day care services in this state,
24 \$450,000 in fiscal year 1995-96 and \$450,000 in fiscal year 1996-97, plus any
25 amounts that the department transfers to this distribution under subd. 3.

1 **SECTION 88.** 46.979 (3) of the statutes is renumbered 49.131 (3).

2 **SECTION 89.** 46.98 (title) and (1) (intro.), (ad), (ag) and (am) of the statutes are
3 renumbered 49.132 (title) and (1) (intro.), (ad), (ag) and (am).

4 **SECTION 90.** 46.98 (1) (at) of the statutes, as created by 1995 Wisconsin Act 289,
5 is renumbered 49.132 (1) (at).

6 **SECTION 91.** 46.98 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 289,
7 is renumbered 49.132 (1) (b).

8 **SECTION 92.** 46.98 (1) (bd) and (bf) of the statutes, as created by 1995 Wisconsin
9 Act 289, are renumbered 49.132 (1) (bd) and (bf).

10 **SECTION 93.** 46.98 (1) (bm) and (c) of the statutes are renumbered 49.132 (1)
11 (bm) and (c).

12 **SECTION 94.** 46.98 (1) (cm) of the statutes, as created by 1995 Wisconsin Act
13 289, is renumbered 49.132 (1) (cm).

14 **SECTION 95.** 46.98 (1) (d) of the statutes is repealed.

15 **SECTION 96.** 46.98 (2) (a) of the statutes, as affected by 1995 Wisconsin Acts 216
16 and 289, is amended to read:

17 46.98 (2) (a) The department shall distribute the funds allocated under s. 46.40
18 ~~(1) and (4m)~~ 49.13 for at-risk, and low-income ~~and respite~~ child care services under
19 subs. (2m) and ~~(4g)~~ (3) to county departments under s. 46.215, 46.22 or 46.23. ~~In~~
20 ~~addition, the department shall distribute the funds allocated under s. 46.40 (1) and~~
21 ~~(4m) for low-income and at-risk child care services under subs. (2m) and (3) and to~~
22 private nonprofit child care providers who provide child care for the children of
23 migrant workers ~~and to county departments under s. 46.215, 46.22 or 46.23.~~

24 **SECTION 97.** 46.98 (2) (b) of the statutes is renumbered 49.132 (2) (b).

1 **SECTION 98.** 46.98 (2) (c) of the statutes is renumbered 49.132 (2) (c) and
2 amended to read:

3 49.132 (2) (c) A county may use up to 5% of the funds distributed under par.
4 (a) to its county department under s. 46.215, 46.22 or 46.23 for the costs of
5 administering the programs under subs. (2m), and (3) and (4g).

6 **SECTION 99.** 46.98 (2m) (title) of the statutes is renumbered 49.132 (2m) (title).

7 **SECTION 100.** 46.98 (2m) (a) of the statutes, as affected by 1995 Wisconsin Act
8 289, is renumbered 49.132 (2m) (a).

9 **SECTION 101.** 46.98 (2m) (c) and (d) 1. of the statutes are renumbered 49.132
10 (2m) (c) and (d) 1.

11 **SECTION 102.** 46.98 (2m) (d) 2. of the statutes, as affected by 1995 Wisconsin
12 Act 27, is renumbered 49.132 (2m) (d) 2.

13 **SECTION 103.** 46.98 (2r) (title), (a), (b) and (d) of the statutes are renumbered
14 49.132 (2r) (title), (a), (b) and (d).

15 **SECTION 104.** 46.98 (3) (title) of the statutes is renumbered 49.132 (3) (title).

16 **SECTION 105.** 46.98 (3) (a) and (b) of the statutes, as affected by 1995 Wisconsin
17 Act 27, are renumbered 49.132 (3) (a) and (b).

18 **SECTION 106.** 46.98 (3) (c) of the statutes, as affected by 1995 Wisconsin Act 289,
19 is renumbered 49.132 (3) (c).

20 **SECTION 107.** 46.98 (4) (title), (a) (intro.) and 1. of the statutes are renumbered
21 49.132 (4) (title), (a) (intro.) and 1.

22 **SECTION 108.** 46.98 (4) (a) 2. of the statutes, as affected by 1995 Wisconsin Act
23 289, is renumbered 49.132 (4) (a) 2.

24 **SECTION 109.** 46.98 (4) (a) 3. of the statutes is renumbered 49.132 (4) (a) 3.

1 **SECTION 110.** 46.98 (4) (am) of the statutes, as created by 1995 Wisconsin Act
2 289, is renumbered 49.132 (4) (am).

3 **SECTION 111.** 46.98 (4) (b) of the statutes, as affected by 1995 Wisconsin Act 289,
4 is renumbered 49.132 (4) (b).

5 **SECTION 112.** 46.98 (4) (c) of the statutes is renumbered 49.132 (4) (c).

6 **SECTION 113.** 46.98 (4) (d) of the statutes, as affected by 1995 Wisconsin Act
7 289, is renumbered 49.132 (4) (d).

8 **SECTION 114.** 46.98 (4) (dg) and (dm) of the statutes, as created by 1995
9 Wisconsin Act 289, are renumbered 49.132 (4) (dg) and (dm).

10 **SECTION 115.** 46.98 (4) (e) of the statutes is renumbered 49.132 (4) (e).

11 **SECTION 116.** 46.98 (4g) (title) of the statutes is repealed.

12 **SECTION 117.** 46.98 (4g) (a) of the statutes, as affected by 1995 Wisconsin Act
13 27, is repealed.

14 **SECTION 118.** 46.98 (4g) (b) of the statutes, as affected by 1995 Wisconsin Act
15 289, is repealed.

16 **SECTION 119.** 46.98 (4g) (c) and (d) of the statutes are repealed.

17 **SECTION 120.** 46.98 (5) of the statutes, as affected by 1995 Wisconsin Act 27,
18 is renumbered 49.132 (5).

19 **SECTION 121.** 46.98 (6) of the statutes, as created by 1995 Wisconsin Act 289,
20 is renumbered 49.132 (6).

21 **SECTION 122.** 46.982 of the statutes is renumbered 49.133, and 49.133 (intro.),
22 as renumbered, is amended to read:

23 **49.133 Refusal to pay child care providers.** (intro.) The department or a
24 county department under s. 46.215, 46.22 or 46.23 may refuse to pay a child care
25 provider for child care provided under s. ~~46.98~~ 49.132 or any other program if any of

1 the following applies to the child care provider, employe or person living on the
2 premises where child care is provided:

3 **SECTION 123.** 46.984 (title) of the statutes is renumbered 49.134 (title).

4 **SECTION 124.** 46.984 (1) of the statutes is renumbered 49.134 (1).

5 **SECTION 125.** 46.984 (2) (title) of the statutes is renumbered 49.134 (2) (title).

6 **SECTION 126.** 46.984 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
7 27, is renumbered 49.134 (2) (a) and amended to read:

8 49.134 (2) (a) From the allocation under s. ~~46.979~~ 49.131 (2) (c) 2., the
9 department shall make grants to local agencies to fund child care resource and
10 referral services provided by those local agencies. The department shall provide an
11 allocation formula to determine the amount of a grant awarded under this section.

12 **SECTION 127.** 46.984 (2) (c) and (d) and (3) of the statutes are renumbered
13 49.134 (2) (c) and (d) and (3).

14 **SECTION 128.** 46.984 (4) (a) of the statutes, as affected by 1995 Wisconsin Act
15 27, is renumbered 49.134 (4) (a).

16 **SECTION 129.** 46.984 (4) (intro.), (b) and (c) of the statutes are renumbered
17 49.134 (4) (intro.), (b) and (c).

18 **SECTION 130.** 46.986 (title) of the statutes is renumbered 49.136 (title).

19 **SECTION 131.** 46.986 (1) (intro.) of the statutes is renumbered 49.136 (1)
20 (intro.).

21 **SECTION 132.** 46.986 (1) (b) of the statutes, as affected by 1995 Wisconsin Act
22 289, is renumbered 49.136 (1) (b).

23 **SECTION 133.** 46.986 (1) (d), (e), (g), (j) and (k) of the statutes are renumbered
24 49.136 (1) (d), (e), (g), (j) and (k).

1 **SECTION 134.** 46.986 (1) (m) of the statutes, as affected by 1995 Wisconsin Act
2 289, is renumbered 49.136 (1) (m).

3 **SECTION 135.** 46.986 (1) (n) of the statutes is renumbered 49.136 (1) (n).

4 **SECTION 136.** 46.986 (2) (title) of the statutes is renumbered 49.136 (2) (title).

5 **SECTION 137.** 46.986 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
6 27, is renumbered 49.136 (2) (a) and amended to read:

7 49.136 (2) (a) From the allocation under s. ~~46.979~~ 49.131 (2) (c) 1., the
8 department shall award grants for the start-up or expansion of child care services.

9 **SECTION 138.** 46.986 (2) (b) and (cm) of the statutes, as affected by 1995
10 Wisconsin Act 27, are renumbered 49.136 (2) (b) and (cm).

11 **SECTION 139.** 46.986 (3) (title) of the statutes is repealed.

12 **SECTION 140.** 46.986 (6) of the statutes is renumbered 49.136 (6).

13 **SECTION 141.** 46.986 (7) of the statutes, as affected by 1995 Wisconsin Act 27,
14 is renumbered 49.136 (7).

15 **SECTION 142.** 46.987 (title) of the statutes is renumbered 49.137 (title).

16 **SECTION 143.** 46.987 (1) (intro.) of the statutes is renumbered 49.137 (1)
17 (intro.).

18 **SECTION 144.** 46.987 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
19 289, is renumbered 49.137 (1) (a).

20 **SECTION 145.** 46.987 (1) (b) of the statutes is renumbered 49.137 (1) (b) and
21 amended to read:

22 49.137 (1) (b) “Day care center” has the meaning given in s. ~~46.986~~ 49.136 (1)
23 (d).

24 **SECTION 146.** 46.987 (1) (c) of the statutes, as affected by 1995 Wisconsin Act
25 27, is renumbered 49.137 (1) (c).

1 **SECTION 147.** 46.987 (1) (d) of the statutes is renumbered 49.137 (1) (d) and
2 amended to read:

3 49.137 (1) (d) “Family day care center” has the meaning given in s. ~~46.986~~
4 49.136 (1) (j).

5 **SECTION 148.** 46.987 (1) (e) of the statutes is renumbered 49.137 (1) (e) and
6 amended to read:

7 49.137 (1) (e) “Group day care center” has the meaning given in s. ~~46.986~~ 49.136
8 (1) (k).

9 **SECTION 149.** 46.987 (2) (title) of the statutes is renumbered 49.137 (2) (title).

10 **SECTION 150.** 46.987 (2) (a) of the statutes, as affected by 1995 Wisconsin Act
11 289, is renumbered 49.137 (2) (a) and amended to read:

12 49.137 (2) (a) From the allocation under s. ~~46.979~~ 49.131 (2) (c) 4., the
13 department may award grants to child care providers that meet the quality of care
14 standards established under s. ~~46.98~~ 49.132 (4) (e) or 49.155 (6) to improve the
15 retention of skilled and experienced child care staff. In awarding grants under this
16 subsection, the department shall consider the applying child care provider’s total
17 enrollment of children and average enrollment of children who receive or are eligible
18 for publicly funded care from the child care provider.

19 **SECTION 151.** 46.987 (2) (b) and (c) of the statutes are renumbered 49.137 (2)
20 (b) and (c).

21 **SECTION 152.** 46.987 (3) (title) of the statutes is renumbered 49.137 (3) (title).

22 **SECTION 153.** 46.987 (3) (a) of the statutes, as affected by 1995 Wisconsin Act
23 27, is renumbered 49.137 (3) (a) and amended to read:

1 49.137 (3) (a) From the allocation under s. ~~46.979~~ 49.131 (2) (c) 3., the
2 department may award grants to child care providers for assistance in meeting the
3 quality of care standards established under s. ~~46.98~~ 49.132 (4) (e).

4 **SECTION 154.** 46.987 (3) (b) of the statutes is renumbered 49.137 (3) (b).

5 **SECTION 155.** 46.987 (3) (c) of the statutes is renumbered 49.137 (3) (c) and
6 amended to read:

7 49.137 (3) (c) A child care provider that is awarded a grant under this
8 subsection shall use the grant funds to attempt to meet the quality of care standards
9 established under s. ~~46.98~~ 49.132 (4) (e) within 24 months after receipt of the grant.

10 **SECTION 156.** 46.987 (4) (intro.) of the statutes, as affected by 1995 Wisconsin
11 Act 27, is renumbered 49.137 (4) (intro.) and amended to read:

12 49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the
13 allocation under s. ~~46.979~~ 49.131 (2) (c) 4., the department may contract with one or
14 more agencies for the provision of training and technical assistance to improve the
15 quality of child care provided in this state. The training and technical assistance
16 activities contracted for under this subsection may include any of the following
17 activities:

18 **SECTION 157.** 46.987 (4) (a) of the statutes is renumbered 49.137 (4) (a) and
19 amended to read:

20 49.137 (4) (a) Developing and recommending to the department a system of
21 higher reimbursement rates or a program of grants for child care providers that meet
22 the quality of care standards established under s. ~~46.98~~ 49.132 (4) (e).

23 **SECTION 158.** 46.987 (4) (b) of the statutes is renumbered 49.137 (4).

24 **SECTION 159.** 46.987 (4) (c) of the statutes is renumbered 49.137 (4) (c) and
25 amended to read:

1 49.137 (4) (c) Disseminating to the public information about child care that
2 meets the quality of care standards established under s. 46.98 49.132 (4) (e).

3 **SECTION 160.** 46.987 (4) (d) to (h) and (5) of the statutes are renumbered 49.137
4 (4) (d) to (h) and (5).

5 **SECTION 161.** 46.987 (6) of the statutes, as affected by 1995 Wisconsin Act 27,
6 is renumbered 49.137 (6).

7 **SECTION 162.** 48.30 (6) of the statutes, as affected by 1995 Wisconsin Act 77,
8 is amended to read:

9 48.30 (6) If a petition is not contested, the court shall set a date for the
10 dispositional hearing which allows reasonable time for the parties to prepare but is
11 no more than 10 days from the plea hearing for the child who is held in secure custody
12 and no more than 30 days from the plea hearing for a child who is not held in secure
13 custody. If it appears to the court that disposition of the case may include placement
14 of the child outside the child's home, the court shall order the child's parent to provide
15 a statement of income, assets, debts and living expenses to the court or the
16 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
17 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
18 provide, without charge, to any parent ordered to provide a statement of income,
19 assets, debts and living expenses a document setting forth the percentage standard
20 established by the department of industry, labor and job development under s. 46.25
21 49.22 (9) and the manner of its application established by the department of health
22 and family services under s. 46.247 and listing the factors that a court may consider
23 under s. 46.10 (14) (c). If all parties consent the court may proceed immediately with
24 the dispositional hearing.

25 **SECTION 163.** 48.31 (7) of the statutes is amended to read:

1 48.31 (7) At the close of the fact-finding hearing, the court shall set a date for
2 the dispositional hearing which allows a reasonable time for the parties to prepare
3 but is no more than 10 days from the fact-finding hearing for a child in secure custody
4 and no more than 30 days from the fact-finding hearing for a child not held in secure
5 custody. If it appears to the court that disposition of the case may include placement
6 of the child outside the child's home, the court shall order the child's parent to provide
7 a statement of income, assets, debts and living expenses to the court or the
8 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
9 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
10 provide, without charge, to any parent ordered to provide a statement of income,
11 assets, debts and living expenses a document setting forth the percentage standard
12 established by the department of industry, labor and job development under s. 46.25
13 49.22 (9) and the manner of its application established by the department of health
14 and family services under s. 46.247 and listing the factors that a court may consider
15 under s. 46.10 (14) (c). If all parties consent, the court may immediately proceed with
16 a dispositional hearing.

17 **SECTION 164.** 48.357 (5m) of the statutes is amended to read:

18 48.357 (5m) If a proposed change in placement changes a child's placement
19 from a placement in the child's home to a placement outside the child's home, the
20 court shall order the child's parent to provide a statement of income, assets, debts
21 and living expenses to the court or the person or agency primarily responsible for
22 implementing the dispositional order by a date specified by the court. The clerk of
23 court shall provide, without charge, to any parent ordered to provide a statement of
24 income, assets, debts and living expenses a document setting forth the percentage
25 standard established by the department of industry, labor and job development

1 under s. ~~46.25~~ 49.22 (9) and the manner of its application established by the
2 department of health and family services under s. 46.247 and listing the factors that
3 a court may consider under s. 46.10 (14) (c). If the child is placed outside the child's
4 home, the court shall determine the liability of the parent in the manner provided
5 in s. 46.10 (14).

6 **SECTION 165.** 48.36 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 77,
7 is amended to read:

8 48.36 (1) (b) In determining the amount of support under par. (a), the court may
9 consider all relevant financial information or other information relevant to the
10 parent's earning capacity, including information reported to the department of
11 industry, labor and job development, or the county child and spousal support agency,
12 under s. ~~46.25~~ 49.22 (2m). If the court has insufficient information with which to
13 determine the amount of support, the court shall order the child's parent to furnish
14 a statement of income, assets, debts and living expenses, if the parent has not
15 already done so, to the court within 10 days after the court's order transferring
16 custody or designating an alternative placement is entered or at such other time as
17 ordered by the court.

18 **SECTION 166.** 48.363 (1) of the statutes, as affected by 1995 Wisconsin Act 275,
19 is amended to read:

20 48.363 (1) A child, the child's parent, guardian or legal custodian, any person
21 or agency bound by a dispositional order or the district attorney or corporation
22 counsel in the county in which the dispositional order was entered may request a
23 revision in the order that does not involve a change in placement, including a revision
24 with respect to the amount of child support to be paid by a parent, or the court may
25 on its own motion propose such a revision. The request or court proposal shall set

1 forth in detail the nature of the proposed revision and what new information is
2 available that affects the advisability of the court's disposition. The request or court
3 proposal shall be submitted to the court. The court shall hold a hearing on the matter
4 if the request or court proposal indicates that new information is available which
5 affects the advisability of the court's dispositional order and prior to any revision of
6 the dispositional order, unless written waivers of objections to the revision are signed
7 by all parties entitled to receive notice and the court approves. If a hearing is held,
8 the court shall notify the child, the child's parent, guardian and legal custodian, all
9 parties bound by the dispositional order, the child's foster parent, treatment foster
10 parent or other physical custodian described in s. 48.62 (2), and the district attorney
11 or corporation counsel in the county in which the dispositional order was entered at
12 least 3 days prior to the hearing. A copy of the request or proposal shall be attached
13 to the notice. If the proposed revision is for a change in the amount of child support
14 to be paid by a parent, the court shall order the child's parent to provide a statement
15 of income, assets, debts and living expenses to the court and the person or agency
16 primarily responsible for implementing the dispositional order by a date specified by
17 the court. The clerk of court shall provide, without charge, to any parent ordered to
18 provide a statement of income, assets, debts and living expenses a document setting
19 forth the percentage standard established by the department of industry, labor and
20 job development under s. ~~46.25~~ 49.22 (9) and the manner of its application
21 established by the department of health and family services under s. 46.247 and
22 listing the factors that a court may consider under s. 46.10 (14) (c). If all parties
23 consent, the court may proceed immediately with the hearing. No revision may
24 extend the effective period of the original order.

1 **SECTION 167.** 48.651 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
2 Act 289, section 73, is amended to read:

3 48.651 (1) (intro.) Each county department shall certify, according to the
4 standards adopted by the department under s. 46.03 (21), each day care provider
5 reimbursed for child care services provided to families determined eligible under ss.
6 ~~46.98~~ 49.132 (2r) and (4) and 49.155 (1m), unless the provider is a day care center
7 licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each
8 county may charge a fee to cover the costs of certification. The county shall certify
9 the following categories of day care providers:

10 **SECTION 168.** 49.13 of the statutes is created to read:

11 **49.13 At-risk and low-income child care.** Within the limits of available
12 federal funds and the appropriation under s. 20.445 (3) (cp), the department shall
13 distribute under s. 49.132 (2) not more than \$21,504,800 in fiscal year 1996-97.

14 **SECTION 169.** 49.131 (4) of the statutes is created to read:

15 49.131 (4) If the department receives unanticipated federal child care and
16 development block grant funds under 42 USC 9858 and it proposes to allocate the
17 unanticipated funds so that an allocation limit in sub. (2) is exceeded, the
18 department shall submit a plan for the proposed allocation to the secretary of
19 administration. If the secretary of administration approves the plan, he or she shall
20 submit it to the joint committee on finance. If the cochairpersons of the committee
21 do not notify the secretary of administration that the committee has scheduled a
22 meeting for the purpose of reviewing the plan within 14 working days after the date
23 of his or her submittal, the department may implement the plan, notwithstanding
24 any allocation limit under sub. (2). If within 14 working days after the date of the
25 submittal by the secretary of administration the cochairpersons of the committee

1 notify him or her that the committee has scheduled a meeting for the purpose of
2 reviewing the plan, the department may implement the plan, notwithstanding sub.
3 (2), only with the approval of the committee.

4 **SECTION 170.** 49.191 (1) (b) of the statutes, as affected by 1995 Wisconsin Act
5 289, is amended to read:

6 49.191 (1) (b) Within the limits of funds available under ~~ss. 20.435 (3) (jg) and~~
7 ~~s. 20.445 (3) (cn), (jg) and (na),~~ the department shall provide funds for individuals
8 who are working and who receive aid to families with dependent children to pay child
9 care costs in excess of the amount of the child care disregard under s. 49.19 (5) (a)
10 and child care costs incurred before the child care disregard under s. 49.19 (5) (a)
11 becomes available if the child care is provided by a child care provider. This
12 paragraph does not apply beginning on the first day of the 6th month beginning after
13 the date stated in the notice under s. 49.141 (2) (d).

14 **SECTION 171.** 49.191 (2) of the statutes, as affected by 1995 Wisconsin Act 289,
15 is amended to read:

16 49.191 (2) CHILD CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH
17 DEPENDENT CHILDREN. The department shall pay the child care costs of an individual
18 who secures unsubsidized employment and loses eligibility for aid to families with
19 dependent children because of earned income or number of hours worked for up to
20 12 months following the loss of eligibility if the child care is provided by a child care
21 provider. The department shall establish a formula for assistance based on ability
22 to pay. The rates for child care services under this subsection shall be determined
23 under s. ~~46.98~~ 49.132 (4) (d), (dg) or (dm), whichever is applicable, or, if a higher rate
24 is established under s. ~~46.98~~ 49.132 (4) (e) and if the child care services meet the
25 quality standards established under s. ~~46.98~~ 49.132 (4) (e), the rates for child care

1 services under this subsection that meet those standards shall be determined under
2 s. ~~46.98~~ 49.132 (4) (e). The department shall promulgate rules for the disbursement
3 of funds under this subsection. This subsection does not apply beginning on the first
4 day of the 6th month beginning after the date stated in the notice under s. 49.141 (2)
5 (d).

6 **SECTION 172.** 49.193 (8) (a) of the statutes, as affected by 1995 Wisconsin Act
7 289, is amended to read:

8 49.193 (8) (a) The department shall pay child care costs of persons with
9 approved employability plans who are participating in the program under this
10 section and of persons who are participating in orientation and job search activities
11 required under sub. (3m). Payment or reimbursement shall be in an amount based
12 on need, with the maximum amount per child equal to the lesser of the actual cost
13 of care or the rate established under s. ~~46.98~~ 49.132 (4) (d), (dg) or (dm), whichever
14 is applicable, or, if a higher rate is established under s. ~~46.98~~ 49.132 (4) (e) and if the
15 child care meets the quality standards established under s. ~~46.98~~ 49.132 (4) (e),
16 payment or reimbursement for child care that meets those standards shall be in an
17 amount based on need, with the maximum amount per child equal to the lesser of the
18 actual cost of the care or the rate established under s. ~~46.98~~ 49.132 (4) (e).

19 **SECTION 173.** 49.22 (7) of the statutes is created to read:

20 49.22 (7) The department may represent the state in any action to establish
21 paternity or to establish or enforce a support or maintenance obligation. The
22 department may delegate its authority to represent the state in any action to
23 establish paternity or to establish or enforce a support or maintenance obligation
24 under this section to an attorney responsible for support enforcement under s. 59.458
25 (1) pursuant to a contract entered into under s. 59.07 (97). The department shall

1 ensure that any such contract is for an amount reasonable and necessary to assure
2 quality service. The department may, by such a contract, authorize a county to
3 contract with any attorney, collection agency or other person to collect unpaid child
4 support or maintenance. If a county fails to fully implement the programs under s.
5 59.07 (97), the department may implement them and may contract with any
6 appropriate person to obtain necessary services. The department shall establish a
7 formula for disbursing the transferred funds appropriated under s. 20.445 (3) (p) to
8 carry out a contract under this subsection.

9 **SECTION 174.** 49.22 (7) of the statutes, as created by 1995 Wisconsin Act (this
10 act), is amended to read:

11 49.22 (7) The department may represent the state in any action to establish
12 paternity or to establish or enforce a support or maintenance obligation. The
13 department may delegate its authority to represent the state in any action to
14 establish paternity or to establish or enforce a support or maintenance obligation
15 under this section to an attorney responsible for support enforcement under s. ~~59.458~~
16 ~~(1)~~ 59.53 (6) (a) pursuant to a contract entered into under s. ~~59.07 (97)~~ 59.53 (5). The
17 department shall ensure that any such contract is for an amount reasonable and
18 necessary to assure quality service. The department may, by such a contract,
19 authorize a county to contract with any attorney, collection agency or other person
20 to collect unpaid child support or maintenance. If a county fails to fully implement
21 the programs under s. ~~59.07 (97)~~ 59.53 (5), the department may implement them and
22 may contract with any appropriate person to obtain necessary services. The
23 department shall establish a formula for disbursing the transferred funds
24 appropriated under s. 20.445 (3) (p) to carry out a contract under this subsection.

1 **SECTION 175.** 49.25 (8) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
2 section 2896b, is amended to read:

3 49.25 (8) (a) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the
4 department of ~~health and social services~~ shall provide funds to pilot counties for
5 assistance in establishing paternity and obtaining child support.

6 **SECTION 176.** 49.25 (8) (b) of the statutes, as affected by 1995 Wisconsin Act 27,
7 section 2898b, is amended to read:

8 49.25 (8) (b) From the appropriation under s. ~~20.435~~ 20.445 (3) (cb), the
9 department of ~~health and social services~~ shall provide funds to Milwaukee county to
10 fund an additional family court commissioner.

11 **SECTION 177.** 49.27 (6) (c) of the statutes, as affected by 1995 Wisconsin Acts
12 27 and 289, is amended to read:

13 49.27 (6) (c) *Benefits.* A county department under s. 46.215, 46.22 or 46.23 shall
14 provide assistance in paying the child care costs of a work-not-welfare group that
15 is eligible to receive benefits under this paragraph if the child care is provided by a
16 child care provider, as defined in s. ~~46.98~~ 49.132 (1) (am). The formula for
17 determining the amount of assistance shall be the same as the formula established
18 by the department under s. 49.191 (2). The rates for child care services under this
19 paragraph shall be determined under s. ~~46.98~~ 49.132 (4) (d), (dg) or (dm), whichever
20 is applicable, or, if a higher rate is established under s. ~~46.98~~ 49.132 (4) (e) and if the
21 child care services meet the quality standards established under s. ~~46.98~~ 49.132 (4)
22 (e), the rates for child care services under this paragraph that meet those standards
23 shall be determined under s. ~~46.98~~ 49.132 (4) (e). The department shall promulgate
24 rules for the disbursement of funds under this paragraph.

25 **SECTION 178.** 49.27 (10) (c) of the statutes is amended to read:

1 49.27 (10) (c) *Children's services network*. Each county department under s.
2 46.215, 46.22 or 46.23 entering into a contract with the department under par. (a)
3 shall establish a children's services network. The children's services network shall
4 provide information about community resources available to the children in a
5 work-not-welfare group during the work-not-welfare group's benefit period and
6 the work-not-welfare group's period of ineligibility under sub. (4) (f), including
7 charitable food and clothing centers; the state supplemental food program for
8 women, infants and children under s. 253.06; and child care programs under s. 46.98
9 49.132.

10 **SECTION 179.** 49.27 (10) (e) of the statutes, as affected by 1995 Wisconsin Act
11 27, section 2915b, is amended to read:

12 49.27 (10) (e) *Child support assistance*. From the appropriation under s. ~~20.435~~
13 20.445 (3) (cb), the department of ~~health and social services~~ may provide funds to
14 pilot counties for assistance in establishing paternity and obtaining child support.

15 **SECTION 180.** 49.32 (1) (a) of the statutes, as created by 1995 Wisconsin Act 27,
16 is amended to read:

17 49.32 (1) (a) The department shall establish a uniform system of fees for
18 services provided or purchased under this subchapter by the department, or a county
19 department under s. 46.215, 46.22 or 46.23, except as provided in s. 49.22 (6) and
20 except where, as determined by the department, a fee is administratively unfeasible
21 or would significantly prevent accomplishing the purpose of the service. A county
22 department under s. 46.215, 46.22 or 46.23 shall apply the fees which it collects
23 under this program to cover the cost of such services.

24 **SECTION 181.** 49.83 of the statutes, as affected by 1995 Wisconsin Act 289, is
25 amended to read:

1 **49.83 Limitation on giving information.** Except as provided under s. 49.32
2 (9) and (10), no person may use or disclose information concerning applicants and
3 recipients of relief funded by a relief block grant, aid to families with dependent
4 children, Wisconsin works under ss. 49.141 to 49.161, social services, child and
5 spousal support and establishment of paternity services under s. 49.22 or
6 supplemental payments under s. 49.77, for any purpose not connected with the
7 administration of the programs. Any person violating this ~~subsection~~ section may
8 be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not
9 less than 10 days nor more than one year or both.

10 **SECTION 182.** 49.90 (2) of the statutes is amended to read:

11 49.90 (2) Upon failure of these relatives to provide maintenance the authorities
12 or board shall submit to the corporation counsel a report of its findings. Upon receipt
13 of the report the corporation counsel shall, within 60 days, apply to the circuit court
14 for the county in which the dependent person under sub. (1) (a) 1. or the child of a
15 dependent person under sub. (1) (a) 2. resides for an order to compel the
16 maintenance. Upon such an application the corporation counsel shall make a
17 written report to the county department under s. 46.215, 46.22 or 46.23, with a copy
18 to the chairperson of the county board of supervisors in a county with a single-county
19 department or the county boards of supervisors in counties with a multicounty
20 department, and to the department of health and social services or the department
21 of industry, labor and job development, whichever is appropriate.

22 **SECTION 183.** 49.90 (2g) of the statutes, as affected by 1995 Wisconsin Act 27,
23 is amended to read:

24 49.90 (2g) In addition to the remedy specified in sub. (2), upon failure of a
25 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who

1 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a
2 dependent minor or the child's parent may apply to the circuit court for the county
3 in which the child resides for an order to compel the provision of maintenance. A
4 county department under s. 46.215, 46.22 or 46.23, a county child support agency or
5 the department of ~~health and social services~~ industry, labor and job development
6 may initiate an action to obtain maintenance of the child by the child's grandparent
7 under sub. (1) (a) 2., regardless of whether the child receives public assistance.

8 **SECTION 184.** 59.07 (97) of the statutes, as affected by 1995 Wisconsin Act 289,
9 is amended to read:

10 **59.07 (97)** CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT
11 LIABILITY PROGRAM. The county board shall contract with the department of ~~health~~
12 ~~and social services~~ industry, labor and job development to implement and administer
13 the child and spousal support and establishment of paternity and the medical
14 support liability programs provided for by Title IV of the federal social security act.
15 The board may designate by board resolution any office, officer, board, department
16 or agency as the county designee. The board or its designee shall implement and
17 administer the programs in accordance with the contract with the state department
18 of ~~health and social services~~ industry, labor and job development. The attorneys
19 responsible for support enforcement under s. 59.458 (1), family court commissioner,
20 clerk of court and all other county officials shall cooperate with the county and the
21 department of industry, labor and job development as necessary to provide the
22 services required under the programs. The county shall charge the fee established
23 by the department of industry, labor and job development under s. ~~46.25~~ 49.22 for
24 services provided under this subsection to persons not receiving benefits under s.
25 49.148, 49.153 or 49.155 or assistance under s. 46.261, 49.19 or 49.47.

1 **SECTION 185.** 59.395 (7) of the statutes is amended to read:

2 59.395 (7) Cooperate with the department of health and social services
3 industry, labor and job development with respect to the child and spousal support
4 and establishment of paternity and medical liability support program under ss.
5 ~~46.25~~ 49.22 and 59.07 (97), and provide that department with any information from
6 court records which it requires to administer that program.

7 **SECTION 186.** 59.458 (2) of the statutes is amended to read:

8 59.458 (2) Attorneys responsible for support enforcement under sub. (1) shall
9 institute, commence, appear in or perform other prescribed duties in actions or
10 proceedings under ss. ~~46.25~~ 49.22 (7), 59.07 (97), 767.075, 767.08 and 767.45 and ch.
11 769.

12 **SECTION 187.** 69.03 (14) of the statutes is amended to read:

13 69.03 (14) Provide hospitals with a pamphlet containing information for
14 parents about birth certificates including how to add the name of the father of a child
15 whose parents were not married at any time from the conception to the birth of the
16 child to the birth certificate under s. 69.15 (3) (b) or, if the father will not sign an
17 affidavit, through a paternity action; the legal significance and future medical
18 advantages to the child of having the father's name inserted on the birth certificate;
19 and the availability of services under s. ~~46.25~~ 49.22.

20 **SECTION 188.** 69.15 (3) (b) 3. of the statutes is amended to read:

21 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
22 a statement acknowledging paternity on a form prescribed by the state registrar and
23 signed by both parents, along with the fee under s. 69.22, the state registrar shall
24 insert the name of the father under subd. 1. The state registrar shall mark the
25 certificate to show that the form is on file. The form shall be available to the

1 department of industry, labor and job development or its designee under s. 59.07 (97)
2 pursuant to the program responsibilities under s. ~~46.25~~ 49.22 or to any other person
3 with a direct and tangible interest in the record. The state registrar shall include
4 on the form for the acknowledgment a notice of the information in ss. 767.458 (1) (a)
5 to (e) and 767.62.

6 **SECTION 189.** 71.75 (1) of the statutes, as affected by 1995 Wisconsin Act 27,
7 is amended to read:

8 71.75 (1) Except as provided in ss. ~~46.255~~ 49.855, 71.77 (5) and (7) (b) and
9 71.935, the provisions for refunds and credits provided in this section shall be the
10 only method for the filing and review of claims for refund of income and surtaxes, and
11 no person may bring any action or proceeding for the recovery of such taxes other
12 than as provided in this section.

13 **SECTION 190.** 71.75 (9) of the statutes, as affected by 1995 Wisconsin Act 27,
14 is amended to read:

15 71.75 (9) All refunds under this chapter are subject to attachment under ss.
16 ~~46.255~~ 49.855, 71.93 and 71.935.

17 **SECTION 191.** 71.78 (4) (g) of the statutes is amended to read:

18 71.78 (4) (g) Employes of this state, to the extent that the department of
19 revenue deems the examination necessary for the employes to perform their duties
20 under contracts or agreements between the department and any other department,
21 division, bureau, board or commission of this state relating to the administration of
22 tax laws or child and spousal support enforcement under s. ~~46.25~~ 49.22.

23 **SECTION 192.** 71.80 (3) of the statutes, as affected by 1995 Wisconsin Act 27,
24 is amended to read:

1 71.80 (3) CREDITING OF OVERPAYMENTS ON INDIVIDUAL OR SEPARATE RETURNS. In
2 the case of any overpayment, refundable credit or refund on an individual or separate
3 return, the department of revenue, within the applicable period of limitations, may
4 credit the amount of overpayment, refundable credit or refund including any interest
5 allowed, against any liability in respect to any tax collected by the department, a debt
6 under s. 71.93 or 71.935 or a certification under s. ~~46.255~~ 49.855 on the part of the
7 person who made the overpayment or received the refundable credit or the refund
8 and shall refund any balance to the person. The department shall presume that the
9 overpayment, refundable credit or refund is nonmarital property of the filer. Within
10 2 years after the crediting, the spouse or former spouse of the person filing the return
11 may file a claim for a refund of amounts credited by the department if the spouse or
12 former spouse shows by clear and convincing evidence that all or part of the state tax
13 overpayment, refundable credit or refund was nonmarital property of the
14 nonobligated spouse.

15 **SECTION 193.** 71.80 (3m) (a) of the statutes, as affected by 1995 Wisconsin Act
16 27, is amended to read:

17 71.80 (3m) (a) Against any liability of either spouse or both spouses in respect
18 to an amount owed the department, a certification under s. ~~46.255~~ 49.855 that is
19 subject to s. 766.55 (2) (b) or a debt under s. 71.93 or 71.935 that is subject to s. 766.55
20 (2) (b) and that was incurred during marriage by a spouse after December 31, 1985,
21 or after both spouses are domiciled in this state, whichever is later, except as
22 provided in s. 71.10 (6) (a) and (b) and (6m).

23 **SECTION 194.** 71.80 (3m) (b) 2. of the statutes, as affected by 1995 Wisconsin
24 Act 27, is amended to read:

1 71.80 **(3m)** (b) 2. In respect to a debt under s. 71.93 or 71.935 or a certification
2 under s. ~~46.255~~ 49.855 if that debt or certification is not subject to s. 766.55 (2) (b).

3 **SECTION 195.** 71.88 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is amended to read:

5 71.88 **(1)** (a) *Contested assessments and claims for refund.* Except for refunds
6 set off under s. 71.93 in respect to which appeal is to the agency to which the debt is
7 owed, except for refunds set off under s. 71.935 in respect to which an appeal is held
8 under procedures that the department of revenue establishes and except for refunds
9 set off under s. ~~46.255~~ 49.855 in respect to which a hearing is held before the circuit
10 court, any person feeling aggrieved by a notice of additional assessment, refund, or
11 notice of denial of refund may, within 60 days after receipt of the notice, petition the
12 department of revenue for redetermination. A petition or an appeal by one spouse
13 is a petition or an appeal by both spouses. The department shall make a
14 redetermination on the petition within 6 months after it is filed.

15 **SECTION 196.** 71.93 (1) (a) 2. of the statutes is amended to read:

16 71.93 **(1)** (a) 2. A delinquent child support or spousal support obligation that
17 has been reduced to a judgment and has been submitted by an agency of another
18 state to the department of health ~~and social services~~ industry, labor and job
19 development for certification under this section.

20 **SECTION 197.** 77.59 (5) of the statutes is amended to read:

21 77.59 **(5)** The department may offset the amount of any refund for a period,
22 together with interest on the refund, against deficiencies for another period, and
23 against penalties and interest on the deficiencies, or against any amount of whatever
24 kind, due and owing on the books of the department from the person claiming the
25 refund. If the refund is to be paid to a buyer, the department may also set off amounts

1 in the manner in which it sets off income tax and franchise tax refunds under s. 71.93
2 and may set off amounts for child support or maintenance or both in the manner in
3 which it sets off income taxes under ss. ~~46.255~~ 49.855 and 71.93 (3), (6) and (7).

4 **SECTION 198.** 101.123 (1) (ad) of the statutes is amended to read:

5 101.123 (1) (ad) "Day care center" has the meaning given in s. ~~46.986~~ 49.136
6 (1) (d).

7 **SECTION 199.** 103.005 (18) of the statutes is created to read:

8 103.005 (18) The department shall administer the child support and paternity
9 establishment programs under subch. III of ch. 49, as well as perform other functions
10 related to child support that are specified in ch. 49.

11 **SECTION 200.** 108.13 (4) (b) of the statutes is amended to read:

12 108.13 (4) (b) A claimant filing a new claim for unemployment compensation
13 shall, at the time of filing the claim, disclose whether or not he or she owes child
14 support obligations. If any such claimant discloses that he or she owes child support
15 obligations and is determined to be eligible for unemployment compensation, the
16 department of industry, labor and human relations shall, ~~upon request of the~~
17 ~~department of health and social services,~~ notify the state or local child support
18 enforcement agency enforcing the obligations that the claimant has been determined
19 to be eligible for unemployment compensation.

20 **SECTION 201.** 108.13 (4) (f) of the statutes is amended to read:

21 108.13 (4) (f) This subsection applies only if appropriate arrangements are
22 made for the ~~state or~~ local child support enforcement agency to reimburse the
23 department for administrative costs incurred by the department that are
24 attributable to the interception of unemployment compensation for child support
25 obligations.

1 **SECTION 202.** 119.72 (2) (a) of the statutes is amended to read:

2 119.72 (2) (a) Children with a parent eligible for day care funds under s. 46.98
3 49.132 (4) (a) 1. to 3.

4 **SECTION 203.** 119.72 (2) (b) of the statutes, as affected by 1995 Wisconsin Act
5 27, is amended to read:

6 119.72 (2) (b) Children with a parent in need of child care services funded under
7 s. ~~46.40 (2)~~ 49.132.

8 **SECTION 204.** 144.25 (8) (L) of the statutes is amended to read:

9 144.25 (8) (L) A grant may not be made to an individual if the department
10 receives a certification under s. ~~46.255~~ 49.855 (7) that the individual is delinquent
11 in child support or maintenance payments or owes past support, medical expenses
12 or birth expenses.

13 **SECTION 205.** 145.245 (5m) (b) of the statutes is amended to read:

14 145.245 (5m) (b) The department shall notify a governmental unit if it receives
15 a certification under s. ~~46.255~~ 49.855 (7) that an individual is delinquent in child
16 support or maintenance payments or owes past support, medical expenses or birth
17 expenses. The department or a governmental unit shall deny an application under
18 this section if the department receives a certification under s. ~~46.255~~ 49.855 (7) that
19 the applicant or an individual who would be directly benefited by the grant is
20 delinquent in child support or maintenance payments or owes past support, medical
21 expenses or birth expenses.

22 **SECTION 206.** 234.04 (2) of the statutes is amended to read:

23 234.04 (2) The authority may make or participate in the making and enter into
24 commitments for the making of long-term mortgage loans to eligible sponsors of
25 housing projects for occupancy by persons and families of low and moderate income,

1 or for the making of homeownership mortgage loans or housing rehabilitation loans
2 to persons and families of low and moderate income, an applicant under s. 234.59 or
3 other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon
4 the determination by the authority that they are not otherwise available from
5 private lenders upon reasonably equivalent terms and conditions. The authority
6 may not make a loan to a person if it receives a certification under s. ~~46.255~~ 49.855
7 (7) that the person is delinquent in child support or maintenance payments or owes
8 past support, medical expenses or birth expenses. The authority may employ, for
9 such compensation as it determines, the services of any financial institution in
10 connection with any loan.

11 **SECTION 207.** 234.49 (1) (c) of the statutes is amended to read:

12 234.49 (1) (c) "Eligible beneficiary" means a person for whom the authority has
13 not received a certification from the department of ~~health and social services~~
14 industry, labor and job development under s. ~~46.255~~ 49.855 (7) or a family who or
15 which falls within the income limits specified in par. (f).

16 **SECTION 208.** 234.59 (3) (c) of the statutes is amended to read:

17 234.59 (3) (c) The authority shall notify an eligible lender if it receives a
18 certification under s. ~~46.255~~ 49.855 (7) that a person is delinquent in child support
19 or maintenance payments or owes past support, medical expenses or birth expenses.
20 An eligible lender may not make a loan to an applicant if it receives notification under
21 this paragraph concerning the applicant.

22 **SECTION 209.** 234.65 (3) (f) of the statutes is amended to read:

23 234.65 (3) (f) The authority has not received a certification under s. ~~46.255~~
24 49.855 (7) that the person receiving the loan is delinquent in child support or
25 maintenance payments or owes past support, medical expenses or birth expenses.

1 **SECTION 210.** 234.90 (3) (d) of the statutes is amended to read:

2 234.90 **(3)** (d) The authority has not received a certification under s. 46.255
3 49.855 (7) that the farmer is delinquent in making child support or maintenance
4 payments or owes past support, medical expenses or birth expenses.

5 **SECTION 211.** 234.90 (3g) (c) of the statutes is amended to read:

6 234.90 **(3g)** (c) The authority has not received a certification under s. 46.255
7 49.855 (7) that the farmer is delinquent in making child support or maintenance
8 payments or owes past support, medical expenses or birth expenses.

9 **SECTION 212.** 234.905 (3) (d) of the statutes is amended to read:

10 234.905 **(3)** (d) The authority has not received a certification under s. 46.255
11 49.855 (7) that the farmer is delinquent in making child support or maintenance
12 payments or owes past support, medical expenses or birth expenses.

13 **SECTION 213.** 565.30 (5) of the statutes is amended to read:

14 565.30 **(5)** WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS
15 OWED THE STATE. The administrator shall report the name, address and social security
16 number of each winner of a lottery prize equal to or greater than \$1,000 to the
17 department of revenue to determine whether the payee of the prize is delinquent in
18 the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered
19 payment of child support or has a debt owing to the state. Upon receipt of a report
20 under this subsection, the department of revenue shall first ascertain based on
21 certifications by the department of ~~health and social services~~ industry, labor and job
22 development under s. 46.255 49.855 (2) whether any person named in the report is
23 currently delinquent in court-ordered payment of child support and shall next
24 certify to the administrator whether any person named in the report is delinquent
25 in court-ordered payment of child support or payment of state taxes under ch. 71,

1 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon
2 court order the administrator shall withhold the certified amount and send it to the
3 department of revenue for remittance to the appropriate agency or person. At the
4 time of remittance, the department of revenue shall charge its administrative
5 expenses to the state agency that has received the remittance. The administrative
6 expenses received by the department of revenue shall be credited to the
7 appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is
8 delinquent both in payments for state taxes and in court-ordered payments of child
9 support, or is delinquent in one or both of these payments and has a debt owing to
10 the state, the amount remitted to the appropriate agency or person shall be in
11 proportion to the prize amount as is the delinquency or debt owed by the payee.

12 **SECTION 214.** 565.30 (5m) of the statutes, as affected by 1995 Wisconsin Act
13 225, is amended to read:

14 **565.30 (5m) WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR**
15 **FAMILY SUPPORT.** The administrator shall report to the department of ~~health and~~
16 ~~social services~~ industry, labor and job development the name, address and social
17 security number of each winner of a lottery prize that is payable in instalments.
18 Upon receipt of the report, the department of ~~health and social services~~ industry,
19 labor and job development shall certify to the administrator whether any payee
20 named in the report is obligated to provide child support, spousal support,
21 maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25,
22 767.26, 767.261, 767.465 (2m), 767.51 (3) or 948.22 (7) or ch. 769 and the amount
23 required to be withheld from the lottery prize under s. 767.265. The administrator
24 shall withhold the certified amount from each payment made to the winner and

1 remit the certified amount to the department of ~~health and social services~~ industry,
2 labor and job development.

3 **SECTION 215.** 767.001 (1d) of the statutes is created to read:

4 767.001 (1d) "Department" means the department of industry, labor and job
5 development.

6 **SECTION 216.** 767.02 (3) of the statutes is repealed.

7 **SECTION 217.** 767.045 (1) (c) 1. of the statutes, as affected by 1995 Wisconsin
8 Act 289, is amended to read:

9 767.045 (1) (c) 1. Aid is provided under s. 46.261, 48.57 (3m), 49.19 or 49.45 on
10 behalf of the child, or benefits are provided to the child's custodial parent under ss.
11 49.141 to 49.161, but the state and its delegate under s. ~~46.25~~ 49.22 (7) are barred
12 by a statute of limitations from commencing an action under s. 767.45 on behalf of
13 the child.

14 **SECTION 218.** 767.045 (1) (c) 2. of the statutes is amended to read:

15 767.045 (1) (c) 2. An application for legal services has been filed with the child
16 support program under s. ~~46.25~~ 49.22 on behalf of the child, but the state and its
17 delegate under s. ~~46.25~~ 49.22 (7) are barred by a statute of limitations from
18 commencing an action under s. 767.45 on behalf of the child.

19 **SECTION 219.** 767.075 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
20 275, is amended to read:

21 767.075 (1) (a) An action to establish paternity whenever there is a completed
22 application for legal services filed with the child support program under s. ~~46.25~~
23 49.22 or whenever s. 767.45 (6m) or (6r) applies.

24 **SECTION 220.** 767.075 (1) (b) of the statutes is amended to read:

1 767.075 (1) (b) An action to establish or enforce a child support or maintenance
2 obligation whenever there is a completed application for legal services filed with the
3 child support program under s. ~~46.25~~ 49.22.

4 **SECTION 221.** 767.075 (2) (a) of the statutes is amended to read:

5 767.075 (2) (a) Except as provided in par. (b), in any action affecting the family
6 under a child support enforcement program, an attorney acting under s. ~~46.25~~ 49.22
7 or 59.07 (97), including any district attorney or corporation counsel, represents only
8 the state. Child support services provided by an attorney as specified in sub. (1) do
9 not create an attorney–client relationship with any other party.

10 **SECTION 222.** 767.075 (2) (b) of the statutes is amended to read:

11 767.075 (2) (b) Paragraph (a) does not apply to an attorney who is employed
12 by the department of health and social services under s. ~~46.25~~ 49.22 or a county under
13 s. 59.07 (97) or 59.458 (1) to act as the guardian ad litem of the minor child for the
14 purpose of establishing paternity.

15 **SECTION 223.** 767.077 (intro.) of the statutes, as affected by 1995 Wisconsin Act
16 289, is amended to read:

17 **767.077 Support for dependent child.** (intro.) The state or its delegate
18 under s. ~~46.25~~ 49.22 (7) shall bring an action for support of a minor child under s.
19 767.02 (1) (f) or, if appropriate, for paternity determination and child support under
20 s. 767.45 whenever the child’s right to support is assigned to the state under s.
21 46.261, 48.57 (3m) (b) 2. or 49.19 (4) (h) 1. b. if all of the following apply:

22 **SECTION 224.** 767.078 (1) (d) 1. c. of the statutes, as affected by 1995 Wisconsin
23 Act 27, is amended to read:

24 767.078 (1) (d) 1. c. The parent who is absent from the home works, on average,
25 less than 32 hours per week and is not participating in an employment training

1 program that meets criteria established by the department of industry, labor and
2 human relations.

3 **SECTION 225.** 767.078 (1) (d) 3. of the statutes, as affected by 1995 Wisconsin
4 Act 27, is amended to read:

5 767.078 (1) (d) 3. Subdivisions 1. and 2. only apply while the department of
6 industry, labor and human relations conducts the program under s. 49.25.

7 **SECTION 226.** 767.08 (3) of the statutes is amended to read:

8 767.08 (3) If the state or any subdivision thereof furnishes public aid to a
9 spouse or dependent child for support and maintenance and the spouse, person with
10 legal custody or nonlegally responsible relative fails or refuses to institute an
11 appropriate court action under this chapter to provide for the same, the person in
12 charge of county welfare activities, the county child support program designee under
13 s. 59.07 (97) or the state department of health and social services is a real party in
14 interest under s. 767.075 and shall initiate an action under this section, for the
15 purpose of obtaining support and maintenance. Any attorney employed by the state
16 or any subdivision thereof may initiate an action under this section. The title of the
17 action shall be "In re the support or maintenance of A.B. (Child)".

18 **SECTION 227.** 767.085 (1) (g) of the statutes is repealed.

19 **SECTION 228.** 767.085 (2) (b) of the statutes is amended to read:

20 767.085 (2) (b) The clerk of court shall provide without charge, to each person
21 filing a petition requesting child support, a document setting forth the percentage
22 standard established by the department of health and social services under s. ~~46.25~~
23 49.22 (9) and listing the factors which a court may consider under s. 767.25 (1m).

24 **SECTION 229.** 767.085 (2m) (a) 2. of the statutes is amended to read:

1 767.085 **(2m)** (a) 2. Shall be accompanied by a document, provided without
2 charge by the clerk of court, setting forth the percentage standard established by the
3 department of ~~health and social services~~ under s. ~~46.25~~ 49.22 (9) and listing the
4 factors which a court may consider under s. 767.25 (1m).

5 **SECTION 230.** 767.085 (5) of the statutes is repealed.

6 **SECTION 231.** 767.13 (7) of the statutes is amended to read:

7 767.13 **(7)** COOPERATION. Each family court commissioner shall cooperate with
8 the county and the department of ~~health and social services~~ to ensure that all
9 dependent children receive reasonable and necessary child support.

10 **SECTION 232.** 767.15 (2) of the statutes is amended to read:

11 767.15 **(2)** In any appeal of any action affecting the family in which support or
12 maintenance of a child of any party is at issue, the person who initiates the appeal
13 shall notify the department of ~~health and social services~~ of the appeal by sending a
14 copy of the notice of appeal to the department.

15 **SECTION 233.** 767.23 (1n) of the statutes is amended to read:

16 767.23 **(1n)** Before making any temporary order under sub. (1), the court or
17 family court commissioner shall consider those factors which the court is required
18 by this chapter to consider before entering a final judgment on the same subject
19 matter. If the court or family court commissioner makes a temporary child support
20 order that deviates from the amount of support that would be required by using the
21 percentage standard established by the department of ~~health and social services~~
22 under s. ~~46.25~~ 49.22 (9), the court or family court commissioner shall comply with the
23 requirements of s. 767.25 (1n). A temporary order under sub. (1) may be based upon
24 the written stipulation of the parties, subject to the approval of the court or the family

1 court commissioner. Temporary orders made by the family court commissioner may
2 be reviewed by the court as provided in s. 767.13 (6).

3 **SECTION 234.** 767.25 (1g) of the statutes is amended to read:

4 767.25 (1g) In determining child support payments, the court may consider all
5 relevant financial information or other information relevant to the parent's earning
6 capacity, including information reported to the department of ~~health and social~~
7 ~~services~~, or the county child and spousal support agency, under s. ~~46.25~~ 49.22 (2m).

8 **SECTION 235.** 767.25 (1j) of the statutes is amended to read:

9 767.25 (1j) Except as provided in sub. (1m), the court shall determine child
10 support payments by using the percentage standard established by the department
11 of ~~health and social services~~ under s. ~~46.25~~ 49.22 (9).

12 **SECTION 236.** 767.25 (4m) (d) 2. of the statutes is amended to read:

13 767.25 (4m) (d) 2. Provide family coverage of health care expenses for the child,
14 if eligible for coverage, upon application by the parent, the child's other parent, the
15 department of ~~health and social services~~ or the county designee under s. 59.07 (97).

16 **SECTION 237.** 767.25 (4m) (e) 1. of the statutes, as affected by 1995 Wisconsin
17 Act 27, is amended to read:

18 767.25 (4m) (e) 1. If a parent who has been ordered by a court to provide
19 coverage of the health care expenses of a child who is eligible for medical assistance
20 under subch. IV of ch. 49 receives payment from a 3rd party for the cost of services
21 provided to the child but does not pay the health care provider for the services or
22 reimburse the department of ~~health and social services~~ or any other person who paid
23 for the services on behalf of the child, the department of ~~health and social services~~
24 may obtain a judgment against the parent for the amount of the 3rd party payment.

25 **SECTION 238.** 767.262 (1) (b) of the statutes is amended to read:

1 767.262 (1) (b) If one party receives services under s. ~~46.25~~ 49.22 or services
2 provided by the state or county as a result of an assignment of income under s. 49.19,
3 order the other party to pay any fee chargeable under s. ~~46.25~~ 49.22 (6) or the cost
4 of services rendered by the state or county under s. 49.19.

5 **SECTION 239.** 767.262 (3) of the statutes is amended to read:

6 767.262 (3) The court may order that the amount be paid directly to the
7 attorney or to the state or the county providing services under s. ~~46.25~~ 49.22 or 49.19,
8 who may enforce the order in its name.

9 **SECTION 240.** 767.265 (6) (c) of the statutes, as affected by 1993 Wisconsin Act
10 481, is amended to read:

11 767.265 (6) (c) No employer may use an assignment under this section or s.
12 767.23 (1) (L), 767.25 (4m) (c) or 767.51 (3m) (c) as a basis for the denial of
13 employment to a person, the discharge of an employe or any disciplinary action
14 against an employe. An employer who denies employment or discharges or
15 disciplines an employe in violation of this paragraph may be fined not more than
16 \$500 and may be required to make full restitution to the aggrieved person, including
17 reinstatement and back pay. Except as provided in this paragraph, restitution shall
18 be in accordance with s. 973.20. An aggrieved person may apply to the district
19 attorney or to the department of industry, labor and human relations for enforcement
20 of this paragraph.

21 **SECTION 241.** 767.27 (3) (b) of the statutes is amended to read:

22 767.27 (3) (b) The clerk of circuit court shall provide information from court
23 records to the department of health and social services under s. 59.395 (7).

24 **SECTION 242.** 767.27 (4) of the statutes is amended to read:

1 767.27 (4) Failure by either party timely to file a complete disclosure statement
2 as required by this section shall authorize the court to accept as accurate any
3 information provided in the statement of the other party or obtained under s. ~~46.25~~
4 49.22 (2m) by the department of ~~health and social services~~ or the county child and
5 spousal support agency.

6 **SECTION 243.** 767.29 (1) of the statutes, as affected by 1995 Wisconsin Act 279,
7 is amended to read:

8 767.29 (1) All orders or judgments providing for temporary or permanent
9 maintenance, child support or family support payments shall direct the payment of
10 all such sums to the clerk of the court, or support collection designee in a county that
11 has designated a support collection designee under s. 59.07 (97m), for the use of the
12 person for whom the same has been awarded. A party securing an order for
13 temporary maintenance, child support or family support payments shall forthwith
14 file the order, together with all pleadings in the action, with the clerk of the court or
15 support collection designee. Except as provided in sub. (1m), the clerk or support
16 collection designee shall disburse the money so received under the judgment or order
17 within 15 days and take receipts therefor, unless the clerk or support collection
18 designee is unable to disburse the moneys because they were paid by check or other
19 draft drawn upon an account containing insufficient funds. All moneys received or
20 disbursed under this section shall be entered in a record kept by the clerk or support
21 collection designee, whichever is appropriate, which shall be open to inspection by
22 the department of ~~health and social services~~ for the administration of the child and
23 spousal support and establishment of paternity program under s. ~~46.25~~ 49.22, the
24 parties to the action and their attorneys, and the family court commissioner. If the
25 maintenance, child support or family support payments adjudged or ordered to be

1 paid shall not be paid to the clerk or support collection designee at the time provided
2 in the judgment or order, the clerk or support collection designee or the family court
3 commissioner of the county shall take such proceedings as he or she considers
4 advisable to secure the payment of the sum including enforcement by contempt
5 proceedings under ch. 785 or by other means. Copies of any order issued to compel
6 the payment shall be mailed to counsel who represented each party when the
7 maintenance, child support or family support payments were awarded. In case any
8 fees of officers in any of the proceedings, including the compensation of the family
9 court commissioner at the rate of \$50 per day unless the commissioner is on a
10 salaried basis, is not collected from the person proceeded against, the fees shall be
11 paid out of the county treasury upon the order of the presiding judge and the
12 certificate of the clerk of ~~the~~ court or support collection designee.

13 **SECTION 244.** 767.29 (2) of the statutes, as affected by 1995 Wisconsin Acts 279
14 and 289, is amended to read:

15 767.29 (2) If any party entitled to maintenance payments or support money,
16 or both, is receiving public assistance under ch. 49, the party may assign the party's
17 right thereto to the county department under s. 46.215, 46.22 or 46.23 granting such
18 assistance. Such assignment shall be approved by order of the court granting the
19 maintenance payments or support money, and may be terminated in like manner;
20 except that it shall not be terminated in cases where there is any delinquency in the
21 amount of maintenance payments and support money previously ordered or
22 adjudged to be paid to the assignee without the written consent of the assignee or
23 upon notice to the assignee and hearing. When an assignment of maintenance
24 payments or support money, or both, has been approved by the order, the assignee
25 shall be deemed a real party in interest within s. 803.01 but solely for the purpose

1 of securing payment of unpaid maintenance payments or support money adjudged
2 or ordered to be paid, by participating in proceedings to secure the payment thereof.
3 Notwithstanding assignment under this subsection, and without further order of the
4 court, the clerk of court or support collection designee, upon receiving notice that a
5 party or a minor child of the parties is receiving aid under s. 49.19, shall forward all
6 support assigned under s. 48.57 (3m) (b) 2., 49.19 (4) (h) 1. or 49.45 (19) to the
7 department of industry, labor and human relations.

8 **SECTION 245.** 767.295 (2) (a) 2. of the statutes, as affected by 1995 Wisconsin
9 Act 27, is amended to read:

10 767.295 (2) (a) 2. The parent works, on average, less than 32 hours per week,
11 and is not participating in an employment or training program which meets
12 guidelines established by the department of industry, labor and human relations.

13 **SECTION 246.** 767.295 (2) (c) of the statutes, as affected by 1995 Wisconsin Act
14 27, is amended to read:

15 767.295 (2) (c) If the court enters an order under par. (a), it shall order the
16 parent to pay child support equal to the amount determined by applying the
17 percentage standard established under s. ~~46.25~~ 49.22 (9) to the income a person
18 would earn by working 40 hours per week for the federal minimum hourly wage
19 under 29 USC 206 (a) (1) or equal to the amount of child support that the parent was
20 ordered to pay in the most recent determination of support under this chapter. The
21 child support obligation ordered under this paragraph continues until the parent
22 makes timely payment in full for 3 consecutive months or until the person
23 participates in the program under s. 49.36 for 16 weeks, whichever comes first. The
24 court shall provide in its order that the parent must make child support payments

1 calculated under s. 767.25 (1j) or (1m) or 767.51 (4m) or (5) after the obligation to
2 make payments ordered under this paragraph ceases.

3 **SECTION 247.** 767.32 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
4 289, is amended to read:

5 767.32 (1) (a) After a judgment or order providing for child support under this
6 chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2), 938.355 (2) (b) 4.,
7 938.357 (5m), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or
8 family support payments under this chapter, or for the appointment of trustees
9 under s. 767.31, the court may, from time to time, on the petition, motion or order to
10 show cause of either of the parties, or upon the petition, motion or order to show cause
11 of the department of health and social services, a county department under s. 46.215,
12 46.22 or 46.23 or a child support program designee under s. 59.07 (97) if an
13 assignment has been made under s. 46.261, 48.57 (3m) (b) 2., 49.153 (3), 49.19 (4) (h)
14 or 49.45 (19) or if either party or their minor children receive aid under s. 48.57 (3m)
15 or ch. 49, and upon notice to the family court commissioner, revise and alter such
16 judgment or order respecting the amount of such maintenance or child support and
17 the payment thereof, and also respecting the appropriation and payment of the
18 principal and income of the property so held in trust, and may make any judgment
19 or order respecting any of the matters that such court might have made in the
20 original action, except that a judgment or order that waives maintenance payments
21 for either party shall not thereafter be revised or altered in that respect nor shall the
22 provisions of a judgment or order with respect to final division of property be subject
23 to revision or modification. A revision, under this section, of a judgment or order with
24 respect to an amount of child or family support may be made only upon a finding of
25 a substantial change in circumstances. In any action under this section to revise a

1 judgment or order with respect to maintenance payments, a substantial change in
2 the cost of living by either party or as measured by the federal bureau of labor
3 statistics may be sufficient to justify a revision of judgment or order with respect to
4 the amount of maintenance, except that a change in an obligor's cost of living is not
5 in itself sufficient if payments are expressed as a percentage of income.

6 **SECTION 248.** 767.32 (1) (b) 4. of the statutes is amended to read:

7 767.32 (1) (b) 4. A difference between the amount of child support ordered by
8 the court to be paid by the payer and the amount that the payer would have been
9 required to pay based on the percentage standard established by the department of
10 ~~health and social services~~ under s. ~~46.25~~ 49.22 (9) if the court did not use the
11 percentage standard in determining the child support payments and did not provide
12 the information required under s. 46.10 (14) (d), 767.25 (1n) or 767.51 (5d), whichever
13 is appropriate.

14 **SECTION 249.** 767.32 (1) (c) 1. of the statutes is amended to read:

15 767.32 (1) (c) 1. Unless the amount of child support is expressed in the
16 judgment or order as a percentage of parental income, a change in the payer's
17 income, evidenced by information received by the department of ~~health and social~~
18 ~~services~~, or the county child and spousal support agency, under s. ~~46.25~~ 49.22 (2m)
19 or by other information, from the payer's income determined by the court in its most
20 recent judgment or order for child support, including a revision of a child support
21 order under this section.

22 **SECTION 250.** 767.32 (2) of the statutes is amended to read:

23 767.32 (2) Except as provided in sub. (2m) or (2r), if the court revises a
24 judgment or order with respect to child support payments, it shall do so by using the

1 percentage standard established by the department of ~~health and social services~~
2 under s. ~~46.25~~ 49.22 (9).

3 **SECTION 251.** 767.32 (4) of the statutes is amended to read:

4 767.32 (4) In any case in which the state is a real party in interest under s.
5 767.075, the department of ~~health and social services~~ shall review the support
6 obligation periodically and whenever circumstances so warrant, petition the court
7 for revision of the judgment or order with respect to the support obligation.

8 **SECTION 252.** 767.33 (1) of the statutes is amended to read:

9 767.33 (1) An order for child support under s. 767.23 or 767.25 may provide for
10 an adjustment in the amount to be paid based on a change in the obligor's income,
11 as reported on the disclosure form under s. 767.27 (2m) or as disclosed to the
12 department of ~~health and social services~~ or county child and spousal support agency
13 under s. ~~46.25~~ 49.22 (2m). The order may specify the date on which the annual
14 adjustment becomes effective. No adjustment may be made unless the order so
15 provides and the party receiving payments applies for an adjustment as provided in
16 sub. (2). An adjustment under this section may be made only once in any year.

17 **SECTION 253.** 767.45 (6m) of the statutes is amended to read:

18 767.45 (6m) The attorney designated under sub. (6) (a) shall commence an
19 action under this section on behalf of the state within 6 months after receiving
20 notification under s. 69.03 (15) that no father is named on the birth certificate of a
21 child who is a resident of the county if paternity has not been adjudicated, except in
22 situations under s. 69.14 (1) (g) and (h) and as provided by the department of ~~health~~
23 ~~and social services~~ by rule.

24 **SECTION 254.** 767.45 (7) of the statutes is amended to read:

1 767.45 (7) The clerk of court shall provide without charge, to each person
2 bringing an action under this section, except to the state under sub. (1) (g) or (6m),
3 a document setting forth the percentage standard established by the department of
4 ~~health and social services~~ under s. ~~46.25~~ 49.22 (9) and listing the factors which a
5 court may consider under s. 767.51 (5).

6 **SECTION 255.** 767.455 (6) of the statutes is amended to read:

7 767.455 (6) DOCUMENT. The summons served on the respondent shall be
8 accompanied by a document, provided without charge by the clerk of court, setting
9 forth the percentage standard established by the department of ~~health and social~~
10 ~~services~~ under s. ~~46.25~~ 49.22 (9) and listing the factors which a court may consider
11 under s. 767.51 (5).

12 **SECTION 256.** 767.47 (6) (a) of the statutes, as affected by 1995 Wisconsin Act
13 289, is amended to read:

14 767.47 (6) (a) Whenever the state brings the action to determine paternity
15 pursuant to an assignment under s. 46.261, 48.57 (3m) (b) 2., 49.153 (3) (a), 49.19 (4)
16 (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157 or 49.159,
17 the natural mother of the child may not be compelled to testify about the paternity
18 of the child if it has been determined that the mother has good cause for refusing to
19 cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the
20 federal regulations promulgated pursuant to this statute, as of July 1, 1981, and
21 pursuant to any rules promulgated by the department of ~~health and social services~~
22 which define good cause in accordance with the federal regulations, as authorized by
23 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

24 **SECTION 257.** 767.51 (3m) (d) 2. of the statutes is amended to read:

1 767.51 (3m) (d) 2. Provide family coverage of health care expenses for the child,
2 if eligible for coverage, upon application by the parent, the child's other parent, the
3 department of ~~health and social services~~ or the county designee under s. 59.07 (97).

4 **SECTION 258.** 767.51 (3m) (e) 1. of the statutes, as affected by 1995 Wisconsin
5 Act 27, is amended to read:

6 767.51 (3m) (e) 1. If a parent who has been ordered by a court to provide
7 coverage of the health care expenses of a child who is eligible for medical assistance
8 under subch. IV of ch. 49 receives payment from a 3rd party for the cost of services
9 provided to the child but does not pay the health care provider for the services or
10 reimburse the department of ~~health and social services~~ or any other person who paid
11 for the services on behalf of the child, the department of ~~health and social services~~
12 may obtain a judgment against the parent for the amount of the 3rd party payment.

13 **SECTION 259.** 767.51 (4g) of the statutes is amended to read:

14 767.51 (4g) In determining child support payments, the court may consider all
15 relevant financial information or other information relevant to the parent's earning
16 capacity, including information reported to the department of ~~health and social~~
17 ~~services~~, or the county child and spousal support agency, under s. ~~46.25~~ 49.22 (2m).

18 **SECTION 260.** 767.51 (4m) of the statutes is amended to read:

19 767.51 (4m) Except as provided in sub. (5), the court shall determine child
20 support payments by using the percentage standard established by the department
21 of ~~health and social services~~ under s. ~~46.25~~ 49.22 (9).

22 **SECTION 261.** 767.52 (3) of the statutes is amended to read:

23 767.52 (3) This section does not prevent an attorney responsible for support
24 enforcement under s. 59.458 (1) or any other attorney employed under s. ~~46.25~~ 49.22
25 or 59.07 (97) from appearing in any paternity action as provided under s. 767.45 (6).

1 **SECTION 262.** 767.53 (2) of the statutes is amended to read:

2 767.53 (2) The clerk of circuit court shall provide information from court
3 records to the department of ~~health and social services~~ under s. 59.395 (7).

4 **SECTION 263.** 769.31 (1) of the statutes is amended to read:

5 769.31 (1) The department of ~~health and social services~~ industry, labor and job
6 development is the state information agency under this chapter.

7 **SECTION 264.** 949.08 (2) (g) of the statutes is amended to read:

8 949.08 (2) (g) Has been certified to the department under s. ~~46.255~~ 49.855 (7)
9 as being delinquent in child support or maintenance payments or as owing past
10 support, medical expenses or birth expenses.

11 **SECTION 265.** 978.06 (6) of the statutes is amended to read:

12 978.06 (6) No district attorney, deputy district attorney or assistant district
13 attorney may appear in a civil action or proceeding under s. ~~46.25~~ 49.22 (7), 59.07
14 (97), 767.075, 767.08 or 767.45 or ch. 769.

15 **SECTION 266. Nonstatutory provisions; health and family services.**

16 (1) TRANSFER OF CHILD SUPPORT AND PATERNITY PROGRAMS.

17 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and
18 liabilities of the department of health and family services that are primarily related
19 to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this
20 act, as determined by the secretary of administration, shall become the assets and
21 liabilities of the department of industry, labor and job development.

22 (b) *Position and employe transfers.*

23 1. On the effective date of this subdivision, 5.73 FTE GPR positions in the
24 department of health and family services funded from the appropriation under
25 section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, and the

1 incumbent employes holding those positions are transferred to the department of
2 industry, labor and job development to be funded from the appropriation under
3 section 20.445 (3) (a) of the statutes, as affected by the acts of 1995.

4 2. On the effective date of this subdivision, 13.26 FTE GPR positions in the
5 department of health and family services funded from the appropriation under
6 section 20.435 (3) (cc) of the statutes, as affected by the acts of 1995, and the
7 incumbent employes holding those positions are transferred to the department of
8 industry, labor and job development to be funded from the appropriation under
9 section 20.445 (3) (a) of the statutes, as affected by the acts of 1995.

10 3. On the effective date of this subdivision, 0.5 FTE GPR position in the
11 department of health and family services funded from the appropriation under
12 section 20.435 (3) (a) of the statutes, as affected by the acts of 1995, and the
13 incumbent employe holding that position is transferred to the department of health
14 and family services to be funded from the appropriation under section 20.435 (1) (a)
15 of the statutes, as affected by the acts of 1995.

16 4. On the effective date of this subdivision, 0.5 FTE PR position in the
17 department of health and family services funded from the appropriation under
18 section 20.435 (3) (kx) of the statutes, as affected by the acts of 1995, and the
19 incumbent employe holding that position is transferred to the department of health
20 and family services, and the position becomes 0.5 FTE FED position to be funded
21 from the appropriation under section 20.435 (1) (n) of the statutes, as affected by the
22 acts of 1995.

23 5. On the effective date of this subdivision, 2.89 FTE PR positions in the
24 department of health and family services funded from the appropriation under
25 section 20.435 (3) (ja) of the statutes, as affected by the acts of 1995, and the

1 incumbent employes holding those positions are transferred to the department of
2 industry, labor and job development to be funded from the appropriation under
3 section 20.445 (3) (ja) of the statutes, as affected by the acts of 1995.

4 6. On the effective date of this subdivision, 42.12 FTE FED positions in the
5 department of health and family services funded from the appropriation under
6 section 20.435 (3) (n) of the statutes, as affected by the acts of 1995, and the
7 incumbent employes holding those positions are transferred to the department of
8 industry, labor and job development to be funded from the appropriation under
9 section 20.445 (3) (n) of the statutes, as affected by the acts of 1995.

10 7. On the effective date of this subdivision, 0.34 FTE GPR position in the
11 department of health and family services funded from the appropriation under
12 section 20.435 (8) (a) of the statutes, as affected by the acts of 1995, and the
13 incumbent employe holding that position is transferred to the department of
14 industry, labor and job development, and the position becomes 0.34 FTE PR position
15 to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as
16 affected by the acts of 1995.

17 8. On the effective date of this subdivision, 21.5 FTE PR positions in the
18 department of health and family services funded from the appropriation under
19 section 20.435 (8) (k) of the statutes, as affected by the acts of 1995, and the
20 incumbent employes holding those positions are transferred to the department of
21 industry, labor and job development to be funded from the appropriation under
22 section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995.

23 9. On the effective date of this subdivision, 0.66 FTE FED position in the
24 department of health and family services funded from the appropriation under
25 section 20.435 (8) (n) of the statutes, as affected by the acts of 1995, and the

1 incumbent employe holding that position is transferred to the department of
2 industry, labor and job development, and the position becomes 0.66 FTE PR position
3 to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as
4 affected by the acts of 1995.

5 10. On the effective date of this subdivision, 1.0 FTE FED position in the
6 department of health and family services funded from the appropriation under
7 section 20.435 (8) (pz) of the statutes, as affected by the acts of 1995, and the
8 incumbent employe holding that position is transferred to the department of
9 industry, labor and job development, and the position becomes 1.0 FTE PR position
10 to be funded from the appropriation under section 20.445 (1) (kc) of the statutes, as
11 affected by the acts of 1995.

12 (c) *Employe status.* Employes transferred under paragraph (b) have all the
13 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
14 statutes in the department of industry, labor and job development that they enjoyed
15 in the department of health and family services immediately before the transfer.
16 Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who
17 has attained permanent status in class is required to serve a probationary period.

18 (d) *Tangible personal property.* On the effective date of this paragraph, all
19 tangible personal property, including records, of the department of health and family
20 services that is primarily related to the programs in sections 49.22, 49.23 and 49.855
21 of the statutes, as affected by this act, as determined by the secretary of
22 administration, is transferred to the department of industry, labor and job
23 development.

24 (e) *Contracts.* All contracts entered into by the department of health and social
25 services in effect on the effective date of this paragraph, that are primarily related

1 to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this
2 act, as determined by the secretary of administration, remain in effect and are
3 transferred to the department of industry, labor and job development. The
4 department of industry, labor and job development shall carry out any such
5 contractual obligations until modified or rescinded by the department of industry,
6 labor and job development to the extent allowed under the contracts.

7 (f) *Rules and orders.*

8 1. All rules promulgated by the department of health and social services that
9 are in effect on the effective date of this subdivision, and that are primarily related
10 to the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this
11 act, remain in effect until their specified expiration date or until amended or
12 repealed by the department of industry, labor and job development. All orders issued
13 by the department of health and social services that are in effect on the effective date
14 of this subdivision, and that are primarily related to the programs in sections 49.22,
15 49.23 and 49.855 of the statutes, as affected by this act, remain in effect until their
16 specified expiration date or until modified or rescinded by the department of
17 industry, labor and job development.

18 2. The secretary of health and family services and the secretary of industry,
19 labor and job development shall meet and specify the apportionment of rules and
20 standards, between the 2 departments, with respect to the supervision of employes
21 of county departments under sections 46.215, 46.22 and 46.23 of the statutes with
22 respect to the administration of the programs under sections 49.22, 49.23 and 49.855
23 of the statutes, as affected by this act, in order to effect the intent of this act.

24 (g) *Pending matters.* Any matter pending with the department of health and
25 family services on the effective date of this paragraph, that is primarily related to any

1 of the programs in sections 49.22, 49.23 and 49.855 of the statutes, as affected by this
2 act, is transferred to the department of industry, labor and job development and all
3 materials submitted to or actions taken by the department of health and social
4 services with respect to the pending matter are considered as having been submitted
5 to or taken by the department of industry, labor and job development.

6 (2) CHILD CARE SUBUNIT TRANSFER.

7 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
8 liabilities of the department of health and family services primarily related to the
9 subunit of the department of health and family services that administers child care
10 programs, as determined by the secretary of administration, shall become the assets
11 and liabilities of the department of industry, labor and job development, except that
12 those assets and liabilities of the department of health and family services primarily
13 related to child care licensing shall remain the assets and liabilities of the
14 department of health and family services.

15 (b) *Employee transfers.* On the effective date of this paragraph, 1.5 FTE GPR
16 and 3.5 FTE PR positions having duties primarily related to the administration of
17 child care programs, as determined by the secretary of administration, and the
18 incumbent employees holding those positions are transferred from the department of
19 health and family services to the department of industry, labor and job development.

20 (c) *Employee status.* Employees transferred under paragraph (b) to the
21 department of industry, labor and job development have all the rights and the same
22 status under subchapter V of chapter 111 and chapter 230 of the statutes, in the
23 department of industry, labor and job development that they enjoyed in the subunit
24 of the department of health and family services that administers child care programs
25 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe

1 so transferred who has attained permanent status in class is required to serve a
2 probationary period.

3 (d) *Tangible personal property.* On the effective date of this paragraph, all
4 tangible personal property, including records, of the department of health and family
5 services that is primarily related to the functions of the subunit of the department
6 of health and family services that administers child care programs, as determined
7 by the secretary of administration, is transferred to the department of industry, labor
8 and job development, except that the tangible personal property, including records,
9 of the department of health and family services primarily related to child care
10 licensing remain in the department of health and family services.

11 (e) *Contracts.* All contracts entered into by the department of health and family
12 services primarily related to the subunit of the department of health and family
13 services that administers child care programs in effect on the effective date of this
14 paragraph remain in effect and are transferred to the department of industry, labor
15 and job development, except that those contracts primarily related to child care
16 licensing remain in the department of health and family services. The secretary of
17 industry, labor and job development shall carry out any such contractual obligations,
18 except that the secretary of health and family services shall carry out any contractual
19 obligations primarily related to child care licensing.

20 (f) *Contracts of the subunit of the department of health and family services that*
21 *administers child care programs.* All contracts entered into by the subunit of the
22 department of health and family services that administers child care programs in
23 effect on the effective date of this paragraph remain in effect and are transferred to
24 the department of industry, labor and job development, except those contracts
25 primarily related to child care licensing shall remain in the department of health and

1 family services. The department of industry, labor and job development shall carry
2 out any such contractual obligations, except that the secretary of health and family
3 services shall carry out any contractual obligations primarily related to child care
4 licensing.

5 (g) *Rules and orders.* All rules promulgated by the department of health and
6 family services primarily related to the subunit of the department of health and
7 family services that administers child care programs that are in effect on the
8 effective date of this paragraph remain in effect until their specified expiration date
9 or until amended or repealed by the department of industry, labor and job
10 development, except that those rules promulgated by the department of health and
11 family services primarily related to child care licensing remain in effect until their
12 expiration date or until amended or repealed by the department of health and family
13 services. All orders issued by the department of health and family services primarily
14 related to the subunit of the department of health and family services that
15 administers child care programs that are in effect on the effective date of this
16 paragraph remain in effect until their specified expiration date or until modified or
17 rescinded by the department of industry, labor and child care programs, except that
18 those orders issued by the department of health and job development primarily
19 related to child care licensing remain in effect until their expiration date or until
20 modified or rescinded by the department of health and family services.

21 (h) *Pending matters.* Any matter pending with the department of health and
22 family services on the effective date of this paragraph primarily related to the
23 subunit of the department of health and family services that administers child care
24 programs, except any matter primarily related to child care licensing, is transferred
25 to the department of industry, labor and job development, and all materials

1 submitted to or actions taken by the department of health and family services before
2 the effective date of this paragraph with respect to pending matters, except pending
3 matters primarily related to child care licensing, are considered as having been
4 submitted to or taken by the department of industry, labor and job development.

5 **SECTION 267. Appropriation changes; health and family services.**

6 (1) TRANSFER OF CHILD SUPPORT AND PATERNITY PROGRAMS.

7 (a) There is transferred from the appropriation to the department of health and
8 family services under section 20.435 (3) (a) of the statutes, as affected by the acts of
9 1995, to the appropriation to the department of health and family services under
10 section 20.435 (1) (a) of the statutes, as affected by the acts of 1995, \$25,300 in fiscal
11 year 1996-97.

12 (b) There is transferred from the appropriation to the department of health and
13 family services under section 20.435 (3) (a) of the statutes, as affected by the acts of
14 1995, to the appropriation to the department of industry, labor and job development
15 under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$1,271,700
16 in fiscal year 1996-97.

17 (c) On the effective date of this paragraph, the unencumbered balance of the
18 appropriation to the department of health and family services under section 20.435
19 (3) (cc) of the statutes, as affected by the acts of 1995, is transferred to the
20 appropriation to the department of industry, labor and job development under
21 section 20.445 (3) (a) of the statutes, as affected by the acts of 1995.

22 (d) There is transferred from the appropriation to the department of health and
23 family services under section 20.435 (3) (kx) of the statutes, as affected by the acts
24 of 1995, to the appropriation to the department of health and family services under

1 section 20.435 (1) (n) of the statutes, as affected by the acts of 1995, \$25,200 in fiscal
2 year 1996–97.

3 (e) There is transferred from the appropriation to the department of health and
4 family services under section 20.435 (3) (n) of the statutes, as affected by the acts of
5 1995, to the appropriation to the department of industry, labor and job development
6 under section 20.445 (3) (n) of the statutes, as affected by the acts of 1995, \$6,131,600
7 in fiscal year 1996–97.

8 (f) There is transferred from the appropriation to the department of health and
9 family services under section 20.435 (3) (nL) of the statutes, as affected by the acts
10 of 1995, to the appropriation to the department of industry, labor and job
11 development under section 20.445 (3) (nL) of the statutes, as affected by the acts of
12 1995, \$39,796,300 in fiscal year 1996–97.

13 (g) There is transferred from the appropriation to the department of health and
14 family services under section 20.435 (8) (a) of the statutes, as affected by the acts of
15 1995, to the appropriation to the department of industry, labor and job development
16 under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$37,900
17 in fiscal year 1996–97.

18 (h) There is transferred from the appropriation to the department of health and
19 family services under section 20.435 (8) (k) of the statutes, as affected by the acts of
20 1995, to the appropriation to the department of industry, labor and job development
21 under section 20.445 (1) (kc) of the statutes, as affected by the acts of 1995,
22 \$1,218,800 in fiscal year 1996–97.

23 (i) There is transferred from the appropriation to the department of health and
24 family services under section 20.435 (8) (n) of the statutes, as affected by the acts of
25 1995, to the appropriation to the department of industry, labor and job development

1 under section 20.445 (3) (n) of the statutes, as affected by the acts of 1995, \$73,700
2 in fiscal year 1996-97.

3 (j) There is transferred from the appropriation to the department of health and
4 family services under section 20.435 (8) (pz) of the statutes, as affected by the acts
5 of 1995, to the appropriation to the department of industry, labor and job
6 development under section 20.445 (1) (kc) of the statutes, as affected by the acts of
7 1995, \$51,400 in fiscal year 1996-97.

8 (k) In the schedule under section 20.005 (3) of the statutes for the appropriation
9 to the department of health and family services under section 20.435 (1) (a) of the
10 statutes, as affected by the acts of 1995, the dollar amount is increased by \$25,300
11 for fiscal year 1996-97 to increase funding for the purposes for which the
12 appropriation is made.

13 (l) In the schedule under section 20.005 (3) of the statutes for the appropriation
14 to the department of health and family services under section 20.435 (3) (a) of the
15 statutes, as affected by the acts of 1995, the dollar amount is decreased by \$1,297,000
16 for fiscal year 1996-97 to decrease funding for the purposes for which the
17 appropriation is made.

18 (m) In the schedule under section 20.005 (3) of the statutes for the
19 appropriation to the department of health and family services under section 20.435
20 (8) (a) of the statutes, as affected by the acts of 1995, the dollar amount is decreased
21 by \$37,900 for fiscal year 1996-97 to decrease funding for the purposes for which the
22 appropriation is made.

23 (n) In the schedule under section 20.005 (3) of the statutes for the appropriation
24 to the department of health and family services under section 20.435 (8) (k) of the
25 statutes, as affected by the acts of 1995, the dollar amount is decreased by \$1,218,800

1 for fiscal year 1996-97 to decrease funding for the purposes for which the
2 appropriation is made.

3 (2) COMMUNITY AIDS. In the schedule under section 20.005 (3) of the statutes for
4 the appropriation to the department of health and family services under section
5 20.435 (7) (b) of the statutes, as affected by the acts of 1995, the dollar amount is
6 decreased by \$5,163,300 for fiscal year 1996-97 to reflect the deletion of low-income
7 and at-risk child care from community aids funding.

8 (3) TRANSFER OF CHILD CARE TO DEPARTMENT OF INDUSTRY, LABOR AND JOB
9 DEVELOPMENT.

10 (a) There is transferred from the appropriation to the department of health and
11 family services under section 20.435 (3) (a) of the statutes, as affected by the acts of
12 1995, to the appropriation to the department of industry, labor and job development
13 under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$69,900
14 in fiscal year 1996-97.

15 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
16 to the department of health and family services under section 20.435 (3) (a) of the
17 statutes, as affected by the acts of 1995, the dollar amount is decreased by \$69,900
18 for fiscal year 1996-97 to decrease funding for the administration of child care
19 programs.

20 (c) There is transferred from the appropriation to the department of health and
21 family services under section 20.435 (6) (a) of the statutes, as affected by the acts of
22 1995, to the appropriation to the department of industry, labor and job development
23 under section 20.445 (3) (a) of the statutes, as affected by the acts of 1995, \$27,400
24 in fiscal year 1996-97.

1 (d) In the schedule under section 20.005 (3) of the statutes for the appropriation
2 to the department of health and family services under section 20.435 (6) (a) of the
3 statutes, as affected by the acts of 1995, the dollar amount is decreased by \$27,400
4 for fiscal year 1996-97 to decrease funding for the administration of child care
5 programs.

6 (e) There is transferred from the appropriation to the department of health and
7 family services under section 20.435 (6) (kx) of the statutes, as affected by the acts
8 of 1995, to the appropriation to the department of industry, labor and job
9 development under section 20.445 (3) (n) of the statutes, as affected by the acts of
10 1995, \$27,500 in fiscal year 1996-97.

11 (f) There is transferred from the appropriation to the department of health and
12 family services under section 20.435 (6) (mc) of the statutes, as affected by the acts
13 of 1995, to the appropriation to the department of industry, labor and job
14 development under section 20.445 (3) (mc) of the statutes, as affected by the acts of
15 1995, \$1,224,500 in fiscal year 1996-97.

16 (g) There is transferred from the appropriation to the department of health and
17 family services under section 20.435 (7) (b) of the statutes, as affected by the acts of
18 1995, to the appropriation to the department of industry, labor and job development
19 under section 20.445 (3) (cp) of the statutes, as affected by the acts of 1995,
20 \$5,163,300 in fiscal year 1996-97.

21 (h) There is transferred from the appropriation to the department of health and
22 family services under section 20.435 (7) (md) of the statutes, as affected by the acts
23 of 1995, to the appropriation to the department of industry, labor and job
24 development under section 20.445 (3) (md) of the statutes, as affected by the acts of
25 1995, \$3,213,100 in fiscal year 1996-97.

1 (i) There is transferred from the appropriation to the department of health and
2 family services under section 20.435 (7) (o) of the statutes, as affected by the acts of
3 1995, to the appropriation to the department of industry, labor and job development
4 under section 20.445 (3) (md) of the statutes, as affected by the acts of 1995,
5 \$15,928,700 in fiscal year 1996-97.

6 **SECTION 268. Appropriation changes; industry, labor and job**
7 **development.**

8 (1) TRANSFER OF CHILD SUPPORT AND PATERNITY PROGRAMS.

9 (a) In the schedule under section 20.005 (3) of the statutes for the appropriation
10 to the department of industry, labor and job development under section 20.445 (1)
11 (kc) of the statutes, as affected by the acts of 1995, the dollar amount is increased by
12 \$1,381,800 for fiscal year 1996-97 to increase funding for the purposes for which the
13 appropriation is made.

14 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
15 to the department of industry, labor and job development under section 20.445 (3) (a)
16 of the statutes, as affected by the acts of 1995, the dollar amount is increased by
17 \$1,836,500 for fiscal year 1996-97 to increase funding for the purposes for which the
18 appropriation is made.

19 (2) CHILD CARE ADMINISTRATION. In the schedule under section 20.005 (3) of the
20 statutes for the appropriation to the department of industry, labor and job
21 development under section 20.445 (3) (a) of the statutes, as affected by the acts of
22 1995, the dollar amount increased by \$97,300 for fiscal year 1996-97 to increase
23 funding for the administration of child care programs.

24 **SECTION 269. Effective dates.** This act takes effect on July 1, 1996, or on the
25 day after publication, whichever is later, except as follows:

